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CONTAINING THE

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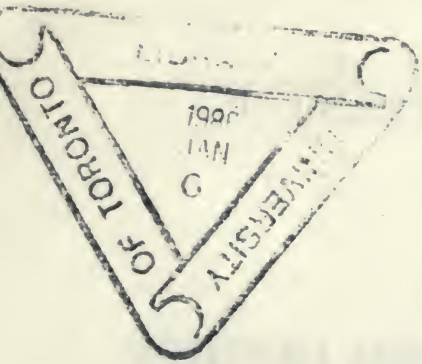


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# THE STUDY OF SOCIAL SCIENCE.

Read at the General Meeting, Philadelphia, October 25, 1870. — By William Strong.

This assemblage of the members of the Association is doubtless regarded by some in this community as a novelty: not because conventions are unprecedented, — this is the age for them. It is no new thing for men to assemble for the promotion of some social reform, or to advance some object of benevolence, or to compare opinions respecting some scientific discoveries or investigations. But conventions the object of which has been the acquisition and diffusion of correct principles in all departments of Social Science, have, until lately, been exceedingly rare. None such have ever been gathered in this city.

Indeed, the intelligent mind of the country has hardly awakened to a full apprehension of what is meant by Social Science. And I apprehend a similar remark might be made respecting the cultivated intellect of the Old World, though perhaps with less fitness. Scholars understand when we speak of the science of mathematics, of astronomy, or physics generally, or when we speak of the science of law, or theology, or medicine; but when we talk of a science that selects human society as its subject, and includes in its departments all that affects society for good or ill, we seem to many like those that dream. It is remarkable that in the classification which the celebrated French philosopher, Auguste Comte made, only a few years since, of what, in his opinion, are all possible departments of human knowledge, he included what he denominated "sociology," not as an existing science, but as something that might, in a distant hereafter, be developed into a department of knowledge. And it may be doubted whether even Comte had any larger conception of it than as a possible science of historical social progress.

Yet, if it be considered what society is, and what it must necessarily ever be, its adaptedness to scientific investigation must become apparent — as apparent as is the fitness of the human intellect to be a subject of science. It must be perceived that it has regions almost boundless open for explorers, filled with mines of

knowledge deeply interesting, the value of which it is impossible to overestimate. It must also be seen that the knowledge to be acquired in studying such a subject is much more than food for curious speculation, that it is essential to the best interests of mankind. The most superficial observation discloses that society is much more than an aggregate of human beings brought into juxtaposition. It is an organism, and an organism that may well be said to have life.

With many of the phenomena of its existence we are familiar. We know that it has its habits, as deeply seated and as potential as are the habits of the individual man. It has also its diseases, — some chronic and others occasional, — all needing the application of appropriate remedies. It has its opinions, more or less sound, by which its action is guided as truly as if they were laws; multitudes of them having the acknowledged force of law. It has, also, various forms of civil organization. Now it is with this living organism, with these habits, diseases, opinions, capabilities, and everything that acts upon social happiness and development; with all that has been discovered or that yet may be known, which tends to elevate and advance human society, that Social Science has to do.

It is impossible to look at such a science, even superficially, without being impressed by the immensity of the territory which it sends its votaries to explore. What is there in human history or in human experience, — what is there in human capability, that does not bear upon the condition of social life? And how greatly are the interests and the character of a community often affected by causes outside of itself? The thorough student of the science must, at the outset of his investigation, acquaint himself with the phenomena of its existence, and with the true explanations of those phenomena, — with everything that appears to constitute or characterize its life.

This is no small task. Such an acquaintance cannot be secured without the aid of much more than his own observation. The tendency of social life is, in many particulars, to change. In no community where civilization has been born, and where it has begun its growth, is human society now what it was in any former age. The change in some communities may have been very gradual. It has been in Oriental countries, but it has been real. I know we are accustomed to speak of Chinese civilization as stationary, and of Persian, Arabian, and Hindoo society as the same that it was centuries ago. But we have no sufficient warrant for

such statements. They are not justified by what we know of those races.

It is true many of their habits have long remained unchanged, and the judgment we form of communities is often based almost exclusively upon observation of their habits. But social habits are not all that make up human society; intelligence, opinions, vices, and laws are equally constituents. I do not say that in Oriental countries change has always been for the better, or that progress has always been upward. I know that the contrary has been the fact.

What I maintain is, that everywhere, owing to causes known or unknown, human society is ever undergoing changes for better or for worse. Certainly no one can doubt that such is the fact in this country. There are now social diseases among us — chronic diseases, which, within the memory of living men, had no existence, or if they existed, were only occasional. This is not the result of accident. These diseases have not come into being without causes that may be known.

There are habits of society which former generations had not — habits that control social action, and deeply affect the general welfare. Something has given birth to these. There are opinions of modern origin, which are accepted as axioms, and which direct irresistibly much of the conduct of society. There are laws, the dictates of supposed recent necessities, or the offspring of new theories, which have greatly modified relative rights, and which are constantly moulding and changing human society.

In most of our States a law-making power once each year enters upon the work of introducing what it deems to be salutary changes. Some of these may be improvements, but many of them are rash experiments, devised without any thorough knowledge of social life, and sometimes begetting greater evils than those they were intended to remove. But whether wise or injudicious is not now the question I am considering. Whether the one or the other, they are changes. They reach new modifications of social life. No State legislature, when it adjourns, leaves society as it found it.

I think also there are peculiar causes existing in this country which render changes more frequent and observable than they are elsewhere. Among these may be mentioned the constant flow of emigration pouring upon us, the varied character of the emigrants, the vast regions of unoccupied land we have, the fact that all our territory is comparatively new, and consequently that new discov-

eries of mines and productions are annually made, inviting to new kinds of labor and leading to the formation of new habits.

If, then, it be true that social life is not stationary; if there are constantly changes taking place in its customs, its habits, its diseases, its opinions, and laws, it is obvious that the student of Social Science must be more than an observer. He must become acquainted with the history of those changes, and he must search carefully for the causes that induce them. He must note their effects and their tendencies. Until he has done this thoroughly he is not prepared to theorize. In a large degree, therefore, the study of Social Science is the study of historical progress. It is much more, but that is indispensable. Unfortunately, little attention has been given by either ancient or modern historians to the march of social life.

Through many of their works we look in vain for any satisfactory account of the real condition of the masses in any former age. They give us little information of the habits of communities; of the origin of prevalent opinions; of the rise of existing evils, or of any of those phenomena that characterize social and domestic life. History, as we find it recorded, is little more than an account of governmental action; of war, and diplomacy, and sometimes of the public conduct of the ruling classes. And yet there are materials for the study of at least English and American social history, almost from their earliest origin. We may know what gave birth to very many of those things in society which were apparent in former times, and which we witness now. We may know how certain laws came to be established, what has been their effect, and what were their deficiencies.

To the study of historical progress and development the student of this science must add careful and minute observation. He must thoroughly know the facts: what it is that constitutes human society as it now exists, what influences it feels, what evils afflict it, what obstacles stand in the way of its upward progress. It is then, and then only that he is prepared to apply correct principles to the facts a knowledge of which he has acquired. Nothing is more unsafe than theorizing without accurate knowledge of facts; nothing is more fruitless.

Of this there can be no better illustration than Locke's scheme of government for the Carolinas; beautiful in theory, but wholly impracticable, because formed without any adequate knowledge of the social life and the circumstances of the community for which it was intended. Its only effect was to cause almost remediless con-

fusion. The present age has also furnished us many examples of the folly and disastrous effect of mere theorizing upon human society, without knowledge. From these theories have arisen the evils of socialism, and the destruction that has followed in their train.

If now it be noticed how many things there are that war against human society, how much there is that interferes with its elevation and resists its progress toward possible perfection, how pernicious are some of its habits, how mistaken are many of its accepted opinions, and how defective and injudicious are the laws that govern it; and if it be remembered that we are not yet assured of the soundness of many of the principles that are deemed applicable to it, it will be manifest that this association, and all other associations for the acquisition and diffusion of Social Science, have a work before them of no common magnitude.

No other department of science opens so wide a field for investigation, and certainly none promises a richer harvest. How much is yet to be learned, and how much is to be taught, respecting popular education! We are beginning to learn that mistaken opinions prevail in regard to its purpose, its nature, and the mode of conducting it. Whence have come these opinions? How far are they erroneous, and how are they to be corrected? What is the education that should be given in our common schools, maintained at public expense, and how far should attendance at public schools be compulsory? These and many others that might be proposed are grave questions, deserving of thoughtful investigation. So, too, are the inquiries, What relation common-school education has to law, to the government itself, as well as to social health and morals? This is all within only one of the departments of Social Science.

Then how numerous are the evils that afflict society as such! They meet us on every hand. Their effects are everywhere visible. It is not, however to be conceded that they are incurable. Yet before any successful attempt can be made to eradicate them their causes must be known, and appropriate remedies must be devised. Social Science has yet to make large advances in this direction. Take for illustration the subject of pauperism, a subject not of as much importance in this country as in England, but still of no small magnitude. What are its causes? We know in individual cases. We know what personal and social vices tend to it, what misfortunes may induce it, but there are larger and more general causes behind all these that have not yet been discovered.

How is pauperism to be treated? How is it in the mass to be prevented?

So, too, there are vices flourishing in society, paralyzing its energies, which, if thoroughly investigated and understood, might be effectually suppressed. Much is also yet to be learned of the economics of social life. How is labor to accomplish the greatest possible results? How is it to be conducted in harmony with intellectual, moral, and physical advancement? What are the proper relations of labor and capital? Closely connected with them and all other kindred subjects is a consideration of the laws that bind together and control all social organism. Whether these are the best that can be devised is a question yet to be answered, and answered in view of the present condition, the need and the possibilities of communities. It is plain, therefore, that the field open for exploration is broad enough for the largest ambition, and varied enough for every taste.

Happily it is not all terra incognita. Many diligent and successful explorers have entered into it, and the fruits of their labors are becoming more and more abundant and valuable. I have been surprised to learn how largely the educated mind of the world has recently turned its attention away from what we denominate the abstract, or the physical and natural sciences, and devoted it to the cultivation of those sciences that relate to the condition and development of social progress.

Within a single year more than one hundred and fifty works have been published relating to Social Science without including periodicals, many of which have contributed richly to our stock of knowledge. New explorers are constantly entering the field, supplied with the acquisitions of their predecessors. It is true that each has labored singly, and it has not always been perceived how closely related the numerous departments of the science are to each other. This relationship we shall see more and more clearly as we advance. The science is now in a condition very similar to that of our common law in the latter part of the last century.

Most of the branches of the law had been studied, valuable treatises had been written respecting many of its titles; but their common relationship was not fully perceived. Then it was discovered that they are all parts of one system, which would be incomplete if any one were absent. I doubt not the time will come when it will be seen that the investigations now in progress into social habits, diseases, or opinions, into popular education, political economy, public health, or jurisprudence, however widely apart they

may seem to be, are still kindred to each other; that they are all making contributions to the same treasury, and building a science conservative of all that is now good in social life, elevating communities to a higher standard of conduct and achievement, repressing the evils which now exist, securing the more easy attainment of human sustenance, adding stability to the rights of labor and of property, stimulating a healthy individual ambition, promoting a pure morality, and conducive in every way to the general welfare. Such is what this Association proposes to itself, and such, I think, are the well-founded promises it holds forth.

# WASTE OF EXISTING SOCIAL SYSTEMS.

Read at the General Meeting, Philadelphia, October 25, 1870.—By Lorin Blodget.

It must be obvious to any one who has given thoughtful attention to Social Science, in any of its departments, that quite insufficient progress has yet been made in ascertaining and in utilizing the productive powers of enlightened society; and while the discussion of these powers in their general sense, or as a whole, may at first sight appear to be a distant and somewhat impracticable view of Social Science, I still think that some present attention to this point will be well rewarded; and I propose, in what follows, to at least open the subject of the wealth-producing powers of society, on a field so broad as to include mental as well as physical labor, and, indeed, to include the entire list of attainments capable of record and of preservation.

To afford a definition nearest to the conception of production and of wealth here assumed, I cite the principle now admitted and enforced by the best economists in regard to the productive power of ordinary labor. This principle holds that a man's physical power in daily labor is precisely equivalent to any form of material production having the same salable value, and that the loss of this instant power to produce, or the neglect to employ or utilize it, is as clearly loss as would be the destruction of the bushel of corn or the yard of cloth which that labor would have produced. The destructive forces of nature, alike with the demands of daily life for products to consume, compel the constant physical labor of men, and the constant production of materials of value to meet such demands. And so clear and direct is this relation in regard to the material products of food, clothing, and daily necessaries of all sorts, that if the supply of labor ceases, the result is at once felt, and the waste is clearly understood. I simply propose to apply this accepted principle of wealth and waste in common things to the wider field which embraces all the productive powers of man in enlightened society, mental as well as physical, and general as well as individual.

From this higher point of view, it appears clear to me that new

light is thrown on the whole subject of industrial and political economy, and the field that these are now understood to occupy is not only enlarged but really simplified. A new class of productive powers appears, and new accumulations properly to be described as wealth; and this enlarged discussion is, in my judgment, the special province of organizations devoted to the promotion of Social Science. In this new field little has been attempted, yet the power of organized and united effort is very great, and if it has productive powers at all, their employment is a duty, and their neglect is loss and waste, as decisively as in the common things of life, and the daily earnings of muscular labor. It is now a recognized duty of civil government to maintain the wealth-producing power of what we call the laboring classes in constant exercise, and to enforce every possible safeguard against the waste and loss which attend on idleness. The point I desire to present is, that a further duty now falls to the hands of those who direct the voluntary legislation of society, as we may perhaps call it, — the duty to extend, encourage, and protect the higher forms of productive power.

The axiom that confronts and stimulates us is this: that all these values perish at the instant if unused; the intellectual, the social, and all general powers, alike with the muscular power to plough, or dig, or build. If it is true that there are great wealth-producing powers possessed by enlightened society beyond these, it is certainly a high duty to elucidate and cultivate them, and to enforce their exercise. The proper agency for this purpose is public opinion, and organized attention to such subjects as is generally designed by this society.

The readiest illustration of this general principle of wealth and waste of course comes from its material side, and the distressing poverty of many nations even in peace, still more with the calamities and convulsions which involve them in war, keep us only too closely to that branch of the subject. It would be easy to show that a reasonably full employment of labor, and reasonably adequate guards against the destruction of property after it is created, would ensure all the inhabitants of civilized nations the most abundant means of living, and a steady accumulation of wealth. The world need not be poor, and nations that do not willfully waste and blindly destroy, are rewarded by the creation of wealth so permanent that it may even survive the convulsions by which the very national existence is blotted out.

This principle, in regard to daily labor, has recently been well opened and effectively prosecuted by political economists, and it

cannot be pressed too earnestly or carried too far. I here prefer to do as much as I can in elucidation of the broader principle before stated, and to stimulate investigation in the whole field of social wealth.

The associated intelligence of men in an enlightened community possesses the very highest measure of power; a power as much beyond that of the individual in the same field, as does the united physical strength of many persons over the single strength of one man. In any department of science, of literature, or of art, this concentration of effort is prolific of valuable results. Still more in directive matters, and the intelligence by which all public interests are promoted, the necessity as well as the value of united efforts is universally recognized. There is real poverty and loss promptly experienced by every community in which these higher powers are unused or misapplied. There are instances within the personal observation of almost every man, in which the material wealth of a community — in houses, cultivated lands, and every form of ordinary property — has been seen to waste and scatter as the direct consequence of a decline in the higher capacities, and a neglect of the higher duties of its members. A neglect of mental cultivation, and a waste of the treasures of science and of art, may appear to have but a remote connection with the productiveness of agriculture or the activity of manufactures, yet a little observation will show that, as points of fact, the most abundant material production must, to be permanent, be supplemented and sustained by higher forms of wealth, — by fixed quantities, as we may almost say, of literary accumulation, and by definable aggregates of scientific and artistic treasures. And certainly, where these higher forms are wanting, the waste of ordinary wealth is fearfully rapid, and its permanent preservation becomes almost or quite impossible.

I hold, therefore, that in all that relates to these higher powers, we produce and accumulate when all are employed, and we lose and waste when they are unemployed. And not only is there entire analogy with mere muscular labor in this respect, but also such inseparable connection as to carry both forward or backward together.

We are scarcely at the threshold, as yet, of a just appreciation of the wealth that may be gathered by constant labor in the higher departments of associated effort. Society is so often prostrated by material poverty, and by waste resulting from neglect, or the wrecks caused by violence, that we struggle with material economies as though there were no other. Even on these material ques-

tions, I am confident that a sounder philosophy and better practical results would follow from an extension of the principle of loss and waste in common labor from one field to the other, as I have here proposed. The discussion of the laws of production and accumulation in ordinary wealth, often blends very closely with the struggle simply to get or possess it; the advocates of one doctrine or another being led off, perhaps quite unconsciously, by a purpose to turn their efforts to merely personal account, rather than to advance any principle, or promote the general good. Economical science is, therefore, too often a contest of rival interests, and its truths are too much obscured by selfish disputes to afford a fair opportunity for the general public to understand them.

But let us see if the single principle of loss and waste, before referred to, does not, while freshly illustrating economical science in the most limited sense, also help us to wider distinctions; and, in fact, strengthen the whole subject wonderfully when applied to mental and social powers, and to all the work properly belonging to enlightened society to do.

In the first place, all powers and all capacities, physical and mental, produce more than natural consumption and necessary waste can consume or remove: they all lead to wealth, or to the attainment of a surplus of values, which we can, if we will, protect from destruction and preserve for future use. And we are conscious that, to secure this desired accumulation, the original production must constantly go on: it cannot be intermitted; the laborer cannot sit down in idleness in the field or the workshop; the merchant cannot neglect his exchanges, nor the scholar his studies. It is also a necessary condition, and an absolute law controlling human labor in every department, that it should and must produce wealth if properly directed and constantly employed; a law everywhere running parallel with that which brings poverty and loss as the consequence of disuse or perversion of any one of these productive powers.

The test of any system or principle of material or industrial economy is properly to be found in the results of a practical trial. If the result is wealth, and such advancement of the entire social state, not a part only, as solid wealth brings with it, the inference is strong, if not conclusive, that the principle is correct. If it gives employment to all, we have the first and best assurance that it is right, and that whatever else is desirable will follow, the public instinct at once seizing on this fact of employment as a key to all the rest. If, on the contrary, want of employment increases,

and if poverty and exhaustion ensue to any of the parties to the natural circle of production, exchange, and consumption, it may with absolute certainty be declared that the system is wrong. And, in considering these results, on either side, the whole field of interested parties must be included, not merely the residents of one district, who may prosper at the expense of residents of another district.

The waste of existing social systems is really so great and so painful in its consequences in some of these fields of material production, that I cannot go farther without saying how urgent my view is of the necessity that a more just and faithful application of this principle of waste from non-employment should be made to them. The great law of human existence, in this respect, is violated on so great a scale, and with such fearful consequences of poverty and distress, — not merely to a few of the idle where none need be idle, but to whole nations who have no relief under their present perverted legislation, — that it has become the right of public law and universal society to inquire into the causes of this needless distress. The energies of organized society everywhere must be directed to closing the frightfully wide avenues now open to waste. If it were possible to unite attention on this aspect of the economical questions, and to withdraw it from controversies on points so remote from the results that no man can tell what their relation to them is, a great service would be conferred on the material economies of the time. From this point the first question would be, In what manner shall all the productive powers of the people be maintained in constant employment, and secured in the realization of the absolute wealth which such employment, without unnecessary waste, is certain to procure ?

Returning to the more enlarged view of the subject, we find that neglect to produce, and neglect to preserve, the results of labor, is as conspicuous, if not as painful, in this greater field as in the more limited one of physical labor. And the waste that is so conspicuous on every hand is quite within the power of associated effort and intelligent direction to control. For this reason I am disposed to make a decided effort to define the principle I have assumed, and to establish a marked departure from the passive acceptance of the present state of things, as one of mere neglect to make all the profits possible, not of positive loss of something valuable in hand. In regard to social and mental accumulation generally, this passive position is almost the rule; the acquirements

resulting from thorough culture and faithful exercise of powers are really valued, but it is not felt, as it should be, that the law of labor and profit, on the one hand, and of idleness and loss on the other, applies as rigorously here as it does in grain growing or cloth making.

I regret that this doctrine is far from being generally admitted, or rather, far from being generally understood; and I am conscious that it is beating into a field of comparative obscurity to attempt its elucidation. But I am impressed with its value as offering a particularly free and open road to the prosecution of investigations in Social Science.

Much of the work which individuals or social organizations have it in their power to do remains unattempted because it is not felt that there is any obligation to do it; or that a relapse to something lower is certain to ensue if it is not done. Time makes as certain wrecks of social products, and of the attainments of society or individuals in the higher labors of life, as it does in works of brick and mortar. If all the house-builders of a city were to refrain from erecting anything new, it would not be many years before an aspect of positive destruction would be presented; and if there were no conflagrations in fact, the situation would be worse than if twenty conflagrations had occurred, and the building forces had gone on with their regular work of production and accumulation.

I take the general position, therefore, that the powers and capacities of man in society are all necessary, and that their exercise is demanded of him, as well as permitted; and also that the powers and capacities of the aggregate social organization are equally essential with those of the individual, if we can suppose a distinction on this point. It is conceded that the individual who is not qualified for occupation in intellectual or directive capacities is under constraint as to the necessity to work; that he is compelled by laws which promptly punish any neglect or refusal on his part to give full and practical employment to his physical strength, under all the circumstances that may surround him in the most highly civilized society. In fact, as society advances, it almost appears more severely incumbent on the laboring man to labor, and more certain that he will starve if he does not; how then can the general duty to be employed be released on the part of the mental and social laborer? It is true that the man who is suited to the discharge of directive duties, and who can substitute mental for

physical labor, has an alternative which the other has not, and is therefore easier in his position; but no one, whatever may be his capacities, can evade the necessity to produce his quota of the grand aggregate that must be produced. The error is in assuming that these directive or superior duties are optional with those having the capacity to perform them, and that no loss results from idleness or neglect. The general rule unfortunately is to passively admit the waste of this form of production, and to assume that common labor and material things are the only products whose loss is to be regarded. In fact these higher products are, if wasted, the heaviest waste, and the most serious loss.

And on the point that all production is naturally cumulative, and designed to attain the surplus we call wealth, some earnest words are necessary. Material products of value accumulated in excess of the demand for exhausting consumption, constitute wealth in the ordinary sense, and we know that the blindest forms of mere physical labor may be, and are, so directed in civilized society as to cause a rapid accumulation of its products. *Wealth is easy, and indeed inevitable if there is no waste;* and in this simple enunciation of the fundamental law of physical labor, there is a test of the fitness of laws, and the soundness of the organizations of ordinary society, better than any other that can be devised. It must be observed that it is not to finished material products alone that we are to look in ascertaining whether there is loss or not. We should be ready enough to observe and condemn the man who would daily throw a bushel of wheat into the sea, or who would destroy a yard of cloth daily, yet we look with less concern on the farmer idling when he should be growing wheat, or on the workman unable or unwilling to make the cloth he could easily make. The consequence to society is the same in either case, however; and we are very well prepared to understand and value the principle so far as relates to material products. The difficult side of this material production is now in regard to the proper direction to be given to all the forces at our command; the truth being that labor must produce more than it formerly produced, and must be combined with the forces of machinery and the highest intelligence in direction.

But I leave this tempting opening respecting the intelligence to be employed in directing labor, for the more general discussion first announced, in the hope that we may here find an acceptable field of common agreement for the prosecution of Social Science, and may secure in it such general advancement as will enable us

to take up subordinate questions with a better view of their relation to the whole, and may therefore accomplish more in them. If we are clearly convinced that we have all definite duties in the production and accumulation of something for the common benefit, and if our neglect of these duties is loss and waste as clearly as the neglect to labor would be, if we were mere laborers, there will be a better appreciation on our part of the most subordinate question that may agitate the people.

It may be thought a forced assumption that the non-exercise of intellectual powers produces results analogous to material poverty, but to reach a true conclusion on this point it must be seen what the demands of enlightened society are on all its members. And it is certainly true that in the best organized society, while there may be many engaged in directive and superior duties, there is no place for idlers; and no class to be laid aside in mere leisure, consuming much and producing nothing, except at serious loss to the community as a whole. Producers in thought, and in designs, creators of new resources for the mental occupation of society as well as for their physical well-being, are yet producers of value, and their accumulations are wealth. Those who are merely idle themselves perish and disappear almost as quickly as the wealth they may happen to control is wasted; and the great error of those who have written or spoken of these departments of higher labor is their belief that the products of thought are mere chance work of individuals, not necessary in the first place to be produced, nor the subject of waste and loss if thrown away, or if the power to produce is carelessly or willfully unemployed.

The clearest and most logical analogies appear to me to prove that each one of the entire range of human powers, alike with the power to labor with the hands, is a productive power. If the muscular strength which in agriculture averages daily to produce a bushel of corn, is a power which society cannot afford to lose, and cannot permit to remain unemployed, is it not equally true that the directive capacity by which a hundred of these hands may be guided to the most economical use of their physical strength, equally requires to be in constant use? Yet we are in our appreciation of this necessity, much in the position that savage nations occupy in regard to muscular labor. With them labor is only considered necessary when hunger presses, and only so long as may be required to secure the absolute essentials of animal existence. In civilized life we do not let muscular labor off so easily; we pursue the laborer with the most unrelaxing severity, and drive him

to the wall with terrible severity. Great wealth is, however, produced by this constant labor; and the multitude of structures that constitute a city, and of fabrics that fill the thousands of warehouses, attest the efficiency of well-directed labor in producing material wealth. If there were no losses in production, and no wrongs were perpetrated in possession and distribution, it is evident that every man in civilized society able to labor would be free from danger of actual poverty. The savage wastes or misapplies all his powers, and consequently has nothing; the civilized man utilizes a part, although only the ruder part, by his constant labor, and he prospers remarkably in contrast with the other.

I am not aware that there has yet appeared any just analysis of the powers of enlightened social organizations considered as a concentration of individual powers. The united and coöperating intelligence, that is elevated sufficiently to work in unity and not in antagonism, and that joins all its powers willingly to produce the best result for the whole, is a force as novel as it is irresistible. It is a doctrine as false as that of Malthus to declare that intelligence is naturally antagonistic, and that the field of intellectual exertion is merely that of contest for possession of the values that somebody's labor has created. There is no department of intellectual pursuit, and no field for the exercise of directive intelligence, that may not be aided and advanced by applying to it more thought, more discussion, and more illustration. If there are differences of opinion, and contests over the principles that are supposed to apply, there is still no necessity for wasting antagonisms. Indeed, agreement of views in detail is by no means necessary if there is a purpose to act in good faith for the best general result. The crowning folly is the assumption sometimes made — indeed, too often made — that intellectual labor in the thousand new and scarcely opened fields around us is necessarily destructive rivalry, in which as much must be done to pull down and destroy, as to build that which is new. This assumption deserves comparison with the contests of savages for the small harvest of game a wild district will yield, when the same district under peaceful cultivation would yield food enough for a thousand times their number.

In conclusion, and to justify more fully the position I have assumed that existing social organizations are full of practical losses and positive waste, which, if prevented, would give us rich rewards of wealth, I will refer to some further details of the losses still

endured, and which leave the most highly organized society poor where it might be rich.

Apart from all narrow views as to what should be classed as productive labor, and enlarging the list of admitted productiveness to embrace all who either direct the actual muscular labor, or the exchange of its products, it must be seen that the waste of that which perishes with the hour of its creation is still great. We very reasonably claim that much has been done in economizing this labor, and in elevating it from unintelligent to skilled labor. But we have not relieved it from the conditions which often unnerve and paralyze it, or enforce idleness from causes beyond the control of any party directly concerned, as employer or employed. During the period of stimulated industry embracing the last six or seven years, there has been less of this primary waste than ever before, and accumulations of wealth have been marked and general in consequence. But improvement is possible in many directions, and nothing so forcibly strikes an observant foreigner, as the passiveness and neglect of our people in the presence of such abounding natural wealth as here exists. Lands of the highest fertility untilled; mines unworked; ores and woods capable of prompt conversion into articles of value tempt labor everywhere; and while we produce with comparative facility, and really accumulate much of material wealth, the observation of persons accustomed to waste of a different sort, constantly condemns us for indifference to the natural wealth about us, and neglect of what is, in their view, easy to do in utilizing these resources.

We also lose very heavily from the presence of merely idle or wasteful classes, those who have no agency in production of any sort, and who do nothing to advance the higher purposes of society. If a strict separation were made of these mere agents of waste, it would be found that their number is surprisingly large, and the difficult problem in regard to them, is the unfortunate facility with which they multiply in periods of prosperity, and when the appliances of productive labor generally have become most effective. If the losses caused by the idle and the vicious of the great cities could be averted, and the parties to beneficent production were able to reap all the rewards of their labor, untaxed for the maintenance of those who waste, the sum of sensible comforts would be largely increased.

It is, I cannot doubt, one of the high duties of Social Science to canvass these sources of production, these agencies of wealth on one side, and of loss and poverty on the other; and to consider all

that may relate to their origin and control. Vigorous and persistent efforts might reduce the waste by these causes to half its present proportions; and it is astonishing that in other countries, where the dead weight of pauperism and of vice presses with tenfold the force that it does on ourselves, there is not more thorough and efficient inquiry directed to the primary causes of the scourge. Relatively we suffer little, so little that it is not easy to make our people perceive in what manner the burden may be removed. Too little instructed in the consequences of idleness and waste, we are too ready to pass by the miserable as though they were justly punished and it was no concern of ours. Still more are the people unawake to the splendid attainments which our free society and great capacity for elevated labors opens to us, and places within our easy reach, if only all would work and none would waste.

To summarize the views I have endeavored to express in this paper, I think it due the age and the occasion to demand that social organizations should see their powers and their duty in an enlarged and more comprehensive manner than heretofore, particularly as to every department of wealth-producing energy they possess; that it should be a recognized principle, not only in mere physical labor, but in intellectual and moral fields, that idleness is positive loss and sensible waste; that the neglect to do what we are fitted to do is a violation of duty as well as a cause of poverty; and that the wealth of accumulated resources is easy and inevitable in all these departments, if we will only produce the values our powers were given us to produce, and will simply close the channels of loss and waste.

# MINING LEGISLATION.

Read at the General Meeting, Philadelphia, October 25, 1870. By Eckley B. Coxe.

Of late years the attention not only of our national and State legislatures, but also of the public at large, has been directed to the necessity of proper legislation in reference to mining, and to the true relations of government to that industry and to the workmen employed in its prosecution.

Although little has as yet been said or written upon this subject in the United States, it has been carefully and scientifically studied for hundreds of years in Europe, and, during the present century, the mining codes of the principal countries of the Old World have been greatly modified and improved. England, France, and Germany have their mining laws and their corps of mining engineers or inspectors, but in this country, until very recently, we have had no legislation in reference to mining, and, of course, no official supervision of the miners and of the mines. During the last ten years several very terrible accidents have occurred in different countries, by which the importance of legislation for the better protection of miners has been made evident to the civilized world. Among the most horrible were the disasters at the Hartley and Oaks collieries in England, that at the Potschappel mines in Saxony, and that at the Avondale shaft near Wilkesbarre in Pennsylvania.

The accident at the Hartley Colliery occurred on the 16th of January, 1862, and was caused by the breaking of the beam of the pumping engine, one-half of which, weighing many tons, was precipitated into the shaft, carrying with it in its fall the timbers, brattice, etc., and completely closing the pit some distance above the bottom. As there was but one outlet, the air in the workings soon became impure, and all those in the mine at the time, two hundred and four in number, perished by suffocation. This horrible accident caused a change to be made in the mining laws of England, no mines with a single outlet being now permitted. The Oaks Colliery disaster, by which three hundred and sixty-two persons — perhaps the most ever killed at one time in a mine — lost their lives,

was occasioned by an explosion of fire-damp, and occurred on the 12th of December, 1866. The accident at the Saxon mines took place on the 2d of August, 1869, in consequence, as it is supposed, of the fire-damp penetrating into some old abandoned workings, in which the coal had taken fire by spontaneous combustion ; an explosion ensued by which two hundred and seventy-six workmen perished. The news of this accident was received with a shudder by the whole civilized world, and, but a few weeks afterwards, we in Pennsylvania were shocked by the report that one equally horrible had occurred in our State. The Avondale disaster happened on the 6th of September, 1869. The shaft, which was the only outlet, was divided, for the purposes of ventilation, by a wooden partition into two parts. The latter caught fire from the furnace used to produce the current of air in the mines, and the flames were commuicated to the breaker, a large building also of wood, placed directly over the mouth of the pit. When the partition in the latter was destroyed, the air could no longer enter the mine, and the men, to the number of one hundred and eight, died of suffocation.

A point to which we would here call attention, and to which we shall have occasion to refer in another part of this paper, is the great difference in the mining legislation of the three countries in which the above mentioned calamities occurred. England, the scene of the first two accidents, was at the time supposed to have a very good mining law, and all her coal mines were under the direction of a corps of able inspectors, whose duty it was to see that the provisions of the mining act were carried into effect. Saxony, where the third accident occurred, has been for centuries one of the great mining districts of Europe, and her mining laws are the result of long and varied experience. Her corps of mining engineers stand second to none in education, ability, and reputation, and her school of mines has no superior and very few equals. Pennsylvania, when the Avondale disaster occurred, had no mining law and no inspector of mines, and very few people in that State had ever thought either of them to be necessary. During the excitement caused by this accident, the State legislature passed, in haste and without proper study of the question, an act, which is both defective and incomplete. It is known as the "Ventilation Act." This, with the exception of some laws in reference to the titles to mining claims on government lands, passed by Congress, is the only legislation I know of upon this subject, which has been enacted in the United States.

Before considering what is required in this country, let us examine the mining legislation of Europe, beginning with the continental codes. On the continent the state is the owner of all ores, coals, and minerals, and of the right to mine them. There are a few exceptions in regard to some kinds of iron ore, and to substances which are quarried and not mined; they are the property of the land-owner. The laws of the various mining codes may be classed under three heads, namely, those relating to the granting or conceding of mines, to titles to mines, etc.; those relating to the health and safety of the miner and of the mine; those relating to mines as sources of national wealth, which are to be used but not abused. As the title to all mines is originally in the state, and as they are generally worked by private individuals or companies, it is necessary that the mining code shall fix the terms upon which the right to mine may be acquired. The government should, of course, always endeavor to encourage the search for and the opening of new mines upon all land not already occupied. A new mine is a source of new wealth to the country. The laws vary in the different states, but the right to explore is generally granted first. After an ore or mineral has been found to exist in sufficient quantities to justify the opening of a new mine, the right to work it is conveyed under certain conditions to the applicant for it, and from that time he has the exclusive right to mine that mineral in the territory assigned to him. For the privileges granted to him, he pays either so much per unit of surface at once or per year, and also a certain percentage of the net profits, or of the ore or metal extracted from the mine. It is generally stipulated that a certain amount of work shall be done every year, or the title returns to the government. Under some circumstances, *e. g.*, in case of war, this condition may be remitted. In former times mines were taxed very heavily, and governments endeavored to obtain as much direct revenue as possible from them; but at the present day, the conditions imposed upon and the royalty paid by them are generally made as light as possible, the state relying more upon the indirect than upon the direct profit of this industry. It now seeks rather to assist than to discourage those engaged in that business, which is so often but a lottery.

We will not discuss this branch of mining legislation, as it is of less interest to us who live in the older States, where the title to minerals (with the exception of reservations, in some cases, of a part of the gold and silver) is in the owner of the soil.

Let us now consider the laws which may be classed under the

second head, namely, those which provide for the safety and health of the miner, and for the protection of life and property on the surface from dangers arising from the caving in of the mines, or other similar accidents. Although this portion of my subject is the most important, I approach it with some diffidence, as I am personally interested in working mines, and belong to that class from whom the mining law is supposed to protect the miner. I feel, therefore, that my views may not be so unbiassed as I should wish.

Let us now consider what are the perils to which a miner is exposed, and what are the best means of protecting him from them. There are two classes of mines, — those in which no fire-damp is found, and those in which it is given off or generated. There are two kinds of dangers to which a miner may be exposed, and from which it is the province of mining legislation to protect him, namely, those which may result in death or mutilation, and those which may injure the constitution of the workman and produce disease. In mines where fire-damp occurs, those engaged in them incur the additional risk of being burnt or killed by a sudden explosion of that gas.

What are known as accidents in mines, may result from the ignorance or carelessness of those in charge of the management of the mine, from the ignorance or carelessness of the miners themselves, or from causes which neither could reasonably be expected to foresee. From the account given at the beginning of this paper of the four most terrible mining disasters of the last ten years, we see that those countries possessing the most perfect mining codes and the ablest mining engineers, and in which mining has been for centuries one of the regular industries of the land, are never completely protected from such disasters, particularly where that great enemy of the miner, fire-damp, is found. The inference to be drawn is not, however, that a mining code and able mining engineers are of little or no use, but, on the contrary, that it is of the utmost importance to be ever on the watch to amend and improve the laws, and to instruct those in charge of the works in all the improvements made in their profession.

A miner may be injured either while at work, or when going to or returning from it. The dangers to which he is exposed while passing from the mouth of the mine to the place where his work is to be performed and back, and over which he has no control, may be occasioned by the failure of the ropes, ladders, cages, or man-engines; by defects in the hoisting machinery; by falling pieces of wood, coal, or rock; by holes or pits left uncovered, or imperfectly

fenced off; or by the smallness of the gangways, shafts, or levels where he is obliged to pass cars or buckets in motion. Here the miner can do but little for his own safety, and must, therefore, rely upon those in charge of the mine and machinery, and upon the laws enacted for his protection. The latter should require the ladders to be safe, to have the proper form and slope, to be provided with resting places at the proper distances apart; the ropes to be carefully tested, to be of the proper size and strength; the cages, when used to carry men, to be provided with parachutes, and the man-engine, when it is adopted, to be well constructed. When men are obliged to travel in shafts, slopes, gangways, or air-passages, in which they are liable to meet cars or buckets in motion, places of refuge should be provided, so that they can pass them without danger.

But there is another class of accidents, which occur even when all reasonable precautions have been taken. They are those occasioned by the thoughtlessness, imprudence, and foolhardiness of the workmen. Some men, when accustomed to climb ladders, do it almost mechanically, and are very apt to have their thoughts elsewhere when moving in dangerous places, and, while in a sort of brown study, will step off ladders or platforms and be dashed to pieces. Others, again, are so anxious to show how much stronger, braver, or more active they are than their fellows, that they will constantly put themselves in unnecessary peril by climbing where they ought not to. There is also a class of workmen who are naturally careless, and who will always be leaning over the side of the cage, putting their heads or arms out, etc., forgetting that they may, at any moment, be killed or maimed by a projecting rock or timber. Accidents of this kind cannot be prevented by legislation; it is only by raising the standard of education among the miners, by instructing the boys, and by providing schools for master miners, that their number can be diminished. We will not discuss here the precautions to be taken in entering old abandoned mines, although the mining law should specify them. This point, though of but little importance in this country at present, will become one of great interest when mining has been carried on for a long time.

We now come to the consideration of the dangers to which miners are exposed while at work. They may result from any one of the three classes of causes previously mentioned, namely, their own carelessness; that of the persons in charge of the mine; causes which could not reasonably be foreseen by either miner or master. A miner may be injured by a falling piece of rock, coal, or timber,

by want of proper care in the use or preparation of the tools and materials employed by him, by want of proper ventilation, or by fire in the mines.

If the place where the miner is working is not properly timbered, the entire roof may fall, crushing all who are under it. Such an accident rarely occurs, as the miner generally has notice in time, the rocks when parting producing a loud cracking sound. The greater number of such accidents are occasioned by the sudden breaking loose of comparatively small pieces of rock or coal, which, if they happen to fall upon the miner, are very likely to produce serious injury. Almost all the labor performed in mines is necessarily done by contract, as every one works more or less alone, and it would, therefore, be almost impossible to exercise a proper surveillance if the workmen were paid by the day. The miner, as he receives remuneration only for what he produces, will often run a great risk rather than do a little work for which he will receive no direct compensation. He has tried it so often without being hurt, that, although perfectly aware of the danger, he imagines he will escape this time without injury. This feeling leads him to undermine more than is safe, in order to bring down more stuff with his next shot and thus economize his powder, to avoid standing props where they should be used, etc. This is one of the most frequent causes of injury to miners, particularly when they are not very skillful. The mining laws of Europe require the timbering to be properly attended to in all cases, and it is the duty of the inspectors to examine all mines to see that the proper precautions have been taken in this respect. A miner, who does not obey the instructions given him in regard to timbering the place where he is working, is punished by the law, even where no one but himself is endangered by his neglect. The miner, when ignorant or unskillful, may injure himself with his tools or by handling his powder carelessly; but the law should require the materials and implements furnished by the mine to the hands to be of the best quality.

Accidents often happen in consequence of the powder taking fire too quickly when a blast is about to be set off; the miner may misjudge the length of the fuse; may fire the cartridge while tamping the hole; may suppose the fuse to be extinguished, and go back to light it again, only to be caught by the explosion. Sometimes, when a hole has missed fire, the miner attempts to bore it out so as to put in a new fuse; this is very dangerous, and should never be permitted. The mining codes of Europe contain

very stringent provisions in reference to blasting and the use of powder or other explosive substances; the tamping bars and needles must be made of copper, and the boring out of holes which have missed fire is positively forbidden. Legislation can do something to prevent this class of accidents, but much will of course depend upon the intelligence and care of the miner.

The next class of precautions to be taken to protect the miner may be considered under the head of "*ventilation*," and here legislation and proper inspection of the mines can do much to prevent disaster. Miners may contract fatal diseases by working for several weeks or months in impure air, *i. e.*, in air containing too much carbonic acid gas, or too little oxygen, or he may be suddenly suffocated under the same circumstances. The most terrible of all the dangers to which the miner is exposed is that occasioned by the presence of fire-damp in the mines. He may also be killed by the irruption of foul air from old workings. Two of the most horrible disasters, cited at the beginning of this paper, namely those of the Avondale and Hartley collieries, were caused by the cutting off the supply of fresh air, those inside perishing by gradual suffocation.

We have now mentioned the principal causes of what are generally termed accidents in mines; but there is another class of dangers which, although seldom referred to, often occasion the loss of more years of life than any of those cited in the foregoing pages. The health of the miner is seriously impaired, and his life often much shortened, by exposure to wet and cold, or to sudden changes of temperature, by working in air which, although capable of supporting combustion, is too impure to be breathed for a long time with impunity, by inhaling gritty particles and lamp-smoke into his lungs, and, finally, by climbing up and down ladders in going to and from work. When a workman is obliged to ascend and descend several hundred feet in this way every day, the effect upon his general health is soon very marked, and is most pernicious. The men climb up (or down) one after the other, each with a lighted lamp in his hat or hand; now as this severe exertion causes violent respiration, they inhale into their lungs large quantities of the lamp-smoke: this is one of the principal causes of *black* or miner's consumption. Upon arriving at the top or bottom, they are generally tired and heated, and consequently stop to rest, and thereby become chilled. The danger from these causes of disease is greatest in metal mines, which are commonly supposed to be much safer than coal mines, and their

effects are so pernicious that the average duration of the life of the metal miner, where the shafts are deep, is generally much less than that of the collier, who is exposed to the additional danger of explosions of fire-damp. In coal mines where the latter is met with, the ventilation must be very perfect in order to keep them safe, and the miner works always in very pure air. It is also much cheaper to drive airways in coal than in rock. The great supply of pure air and the fact that the miner is generally let down and drawn up the shaft by machinery add many years to his life.

Although legislation can do and has done much to protect the miner from these causes of disease, yet it is also very necessary that he should receive instruction as to the proper precautions to be taken for the preservation of his health. In Europe all mines infested with explosive gases are subjected to very strict regulations as to ventilation, and the inspectors are required to examine them constantly. This portion of the mining code should be drawn up with the greatest care.

The laws which may be classed under the third head, *i. e.*, those relating to mines as a source of national wealth, are to be found only in the codes of continental Europe. Every operator is there allowed to work his mine up to its full capacity, but he is not permitted to do so in such a way as to compromise the safety of the mine, or to destroy or render useless any ore or mineral in the deposit. This is often done; in this country, alas, it is the rule rather than the exception. Very often the richest ore only is taken out, and thousands of tons of poorer stuff, which may never again be reached, are left behind. Sometimes, in order to save expense, the timbering is made too light, and much good ore is lost by the caving in of the mine. In Europe it is the duty of the government engineers to see that no such wanton waste occurs, and to stop the mine, if that be necessary, to prevent it.

Let us now consider what should be done in this country, confining our remarks to the older States, where the general government has no interest in the land, and where the laws must be enacted by the State legislatures. We need not consider the question of the title to mines, that belonging to the province of the lawyer, as the minerals go with the surface right. We will devote our attention more particularly to the laws which may be classed under the second head. In all countries where the right to mine must be obtained from the state, the latter can impose any conditions upon the operator which it sees fit; for they are really only

the terms of the lease under which the mines are worked, and the parties undertaking to open them are perfectly aware of what will be required of them before they expend any money. In this country, as in England, the government can interfere only where it is necessary to do so in order to protect the life or property of the citizen. Mining is no way different in the eyes of the law from any other industry. Although the state is bound to see that the miner is subjected to no unnecessary danger, yet it is equally its duty to protect the workmen in powder-mills, the hands in factories, the passengers upon railroads, and the citizen in his home when his life is placed in jeopardy by the erection of unsafe steam-boilers near his dwelling. The duty and the right of the government to interfere in all the above cases are based upon the same principles. Although there is a great and pressing need of a good, well-digested code of mining laws in this country, the method adopted at the last session of the Pennsylvania legislature to obtain it, is not, I think, the most advisable.

The subject of mining legislation is not a new one; able experts in England, France, and Germany have been studying it for many years, and it is very important for us to profit by the results of their labors. In preparing a mining law it would not be wise, I think, to base it, as has been done, upon the assumption that one class of persons to be affected by it, I mean the operators, are not to be consulted, the law being intended merely to protect the workmen from them.

In drawing up the act, three parties are to be considered: the miner, the mine owner, and the general public. The first and main object of such legislation is, of course, the safety of the miner, and to this all other considerations must yield, but at the same time, care should be taken to impose no useless restrictions upon the operators, to make the law as simple as possible, and to frame it in such a way as to prevent any feeling among those affected by its provisions, that their interests have been uselessly sacrificed.

A mining law should, if possible, be satisfactory to both workman and operator, who should feel that there was no intention to oppress either, otherwise the law will be obeyed with great reluctance; it should contain no provisions, which, if contested, would be overruled by a court of justice. It is important to the whole country that the mines should be required to make no useless expenditures, as this will cause an increase in the cost of production of the mineral, that may seriously affect those industries which are dependent upon the mines for their supplies. All such

expenditures fall eventually upon the consumer, and, if uselessly made through ignorance, are a national loss of labor or capital.

If a good mining code is to be enacted in any State, a commission or committee should be appointed to frame it, which should consist of, or at least have the advice of, one or more persons learned in the law, of one or more persons skilled in mining and well acquainted with the mining legislation of Europe, of one or more practical miners, who are familiar with the dangers to which they and their fellows are exposed and who would represent those to be protected, and finally of one or more persons interested as operators or owners of mines.

In drawing up the law, it is important that no provision should be inserted which would be declared unconstitutional by the courts. If any clause in the act were decided to be illegal, parties would be encouraged to contest some of the other provisions, and much time would be lost before it could be brought into regular operation. It would be the duty of the mining engineers to examine the mining codes of Europe, to collate all that had been done previously, and to furnish to the committee the scientific groundwork of the act. They could also give advice if a dispute arose between the representatives of the workmen and of the operators. The practical miners would call the attention of the committee to the dangers to which they were particularly exposed in the State or country in question. Each mining district has its own peculiar sources of peril; in one it is the fire-damp, in another the water, in a third the bad roof, in a fourth the great thickness of the vein, etc. These points should be carefully considered, and a man, who is daily exposed to such dangers, could afford much assistance to the committee in their work. The owners and operators of mines, who, as in Pennsylvania, have invested hundreds of millions of dollars in purchasing, opening, and improving their properties, and in building railroads for the transportation of the products of their works, should also be heard, not for the purpose of thwarting any legislation which might be necessary for the safety of the men, but to prevent the insertion of useless or oppressive provisions in the law, like some of those to be found in the act lately passed by our legislature. If all parties were heard before the bill passed finally, the law would be obeyed much more cheerfully both in letter and spirit.

No matter how well digested the provisions of the act may be, it will always be difficult to carry them into effect, unless the persons charged with the duty of inspecting the mines are well-educated, experienced, and honest mining engineers or viewers. Such

officers can only be obtained by establishing good schools for civil and mining engineering. The appointments should be made by competitive examination, those showing most theoretical and practical knowledge to be chosen. There should be different grades of inspectors, so that faithful service would certainly be rewarded by promotion. All appointments should be for life or good behavior.

It is also important to provide schools for the education of working miners, in which they could be fitted for the responsible post of mine boss, as the overman or master miner is called in this country. The course of instruction should be so arranged that the miner could, while pursuing his studies, support himself by working in the mines. He would not, of course, be able to gain as much as those not attending the school, but he could earn enough to pay his expenses. For this reason the schools for master miners should be located in the mining districts, where work could be obtained. The course of instruction should embrace the elements of geology, chemistry, and mechanics, with special instruction in mining and underground surveying. Such schools exist in many parts of Europe, and have been found to be eminently useful. Although I am not aware that the plan has ever been tried, I think that much good could be done by introducing into the common schools of the mining districts an elementary course of instruction upon the subject of mining, with special reference to the health and safety of the miner. If such provisions for the instruction of all classes of persons employed about the mines were made, one of the greatest difficulties in framing and carrying out good legislation upon mining would be removed. It is important that there should be some person or board to whom appeal could be made, when disputes arise between the local inspector, and the operator, and who would have the power of suspending some of the provisions of the act, or of imposing temporary restrictions upon the mines, in cases of emergency. This could be arranged by having several grades of inspectors. At present the inspector in Pennsylvania stands alone; there is no one to whom he can appeal in case of doubt, and no one whom the operator can call in if he thinks the inspector is wrong. The operator can now appeal only to a court of justice. In Europe the case is different; in England an appeal can be made to the Secretary of State, who appoints a commission to investigate the subject; on the continent the same thing is done by the higher mining officials.

It is of the very greatest importance that the men should be

obliged by law to obey the orders given them in regard to mining, timbering, use of lamp, etc., by those placed over them. No law and no care of the inspectors will be of much avail if the men are at liberty to disobey the instructions given them in regard to their work, the use of their lamp, or the precautions to be taken to avoid accidents. In all the mining codes of Europe, there is a provision compelling the directors of mines to adopt rules for the management of the works, and these, when approved of by the inspector, become part of the mining law, and every one employed about the mines is obliged to obey them. Unfortunately there is no such clause in the law lately adopted in Pennsylvania. Many persons have an erroneous impression that mining is a peculiar subject for legislation. In those countries where the right to mine must be obtained from the government, the latter can, of course, impose much greater restrictions upon mining than upon other industries. In this country, on the contrary, the right to mine belongs to the proprietor of the surface, and the state can only interfere when the lives or property of others are endangered, and it is then its duty to do so. The case is, however, the same with railroads and powder-mills. If it is the duty of the government, before allowing one citizen to employ men in his mine, to see that proper precautions have been taken to protect the miner not only while at work, but also in going to and returning from it, so long as he is underground, it is certainly also the duty of the state to see that the hands in factories are equally well taken care of, that they are exposed to no unhealthy atmosphere or danger of being injured by the machinery, and that the lives of passengers on railroads are not placed in jeopardy by unskillful engineering, by false economy in the purchase of bad rails and inferior rolling stock, and by neglecting to introduce all improvements which add to the safety of railroad travelling. The same is true of steam-boilers, when they are erected in populous districts. These matters are all placed under the surveillance of government engineers on the continent of Europe. Human life is of equal value everywhere, and what is wanted is not simply a good mining law, but a well-educated corps of experts acting under a well-digested code, whose duty it should be to inspect all mines, manufactories, steam-boilers, and railroads, and to see that the proper precautions have in all cases been taken for the safety of life and property. Although thousands of persons have lost their lives in mines in the last twenty years, yet the number of those who have been killed and

injured upon railroads or other public works is much greater. One general law could be made to comprehend all the above cases, and one corps of engineers could see that its provisions were carried out. One of the most important functions of such a corps would be to suggest modifications in the law, either for the purpose of securing greater safety for the workmen, or of relieving the various industries from useless restrictions.

They could also do much to improve civil and mining engineering, by reporting the various improvements adopted in different parts of the Old and New World in some periodical similar to the "Annales des Mines." There should be some provision in the law to prevent persons who have not properly learned their trade from being received in the mines as miners, firemen, or machinists. In this country there is no such regulation, and incompetent workmen are often put in charge of machines, or employed to do work, which they do not understand. This is a frequent cause of disaster.

The ideas which I have wished to express in the foregoing pages may be summed up as follows: —

In the first place, a mining code should form but a portion of a general system of legislation for the better protection of the workmen employed in the various branches of industry. In framing such an act, the advice of able legal and scientific experts should be taken, and all parties whose lives or property are to be affected by it should be consulted, or at least afforded an opportunity of being heard.

No matter how perfect the law may be when passed, it will need constant modification as improvements are made in the different industries. It would also be necessary to have a corps of well-educated experts of several grades to superintend the execution of the law. Proper schools should be provided for their education, and they should be promoted from one grade to another for merit alone. I would also insist upon the importance of establishing schools for master miners, in which any one who works in the mines could, while supporting himself by his labor, receive sufficient instruction in his business to qualify him to direct intelligently the underground workings of a mine. I think it very advisable to instruct the pupils of the common schools of the mining districts in the general principles of what the French call the "*hygiène des mineurs*," so that they may understand the dangers to which they will hereafter be exposed, and be able to afford relief to any one who has met with an accident. In this way, all those engaged in

and about the mines would be able to understand the provisions of the law, and to aid in carrying them out intelligently. I would also again insist upon the importance of preventing the employment of ignorant or incompetent workmen in places where their want of skill may be the cause of disaster.

# CIVIL SERVICE REFORM.

Read at the General Meeting, Philadelphia, October 25, 1870. By J. G. Rosengarten.

One of the practical questions taken in charge by this Association is that of a reform in our civil service. The first volume of our Transactions contained a paper on the subject; and what was said then can now only be repeated with the additional experience of another year. This is a question as between the people and the politicians; and that peculiar people, the men inside politics, have boldly declared in Congress and out of it that the government, and particularly the civil service, must be one of politicians, by politicians, and for politicians. What have we to say in our turn? Arguments and statements in support of the proposed reform have been exhausted in the debates in Congress, in the reports made by Mr. Jenckes, the father of the scheme, and by the Senators who have also had charge of the various projects for laws on the subject. The mischiefs of the service as it now stands; the general consent of all men who are desirous of good government; the universal feeling of the necessity of a change, lest the evils that now afflict us may yet do more and lasting injury; the example of just such reform in other countries; the success of the systems introduced in Germany and in England; — these are matters that are common to all of us; and I do not believe that any member of our Association, or any one sufficiently interested in its objects to be present at its meetings, doubts the necessity and wisdom of reform in the civil service. The curious fact, however, remains that though all the world seems agreed on it, there still is left a sufficient number of congressmen to prevent the legislation which is necessary to effect any reform. If the people could be polled on this subject, I do not for a moment doubt that an overwhelming majority would be on the side of the reform; but how is that majority to be heard, and how can we make its voice potential? Agitation and discussion are the more difficult because it is so hard to find anybody who differs from us, either as to the necessity of the change at home or of its efficacy abroad. It is true,

cabinet officers have indorsed it, and in the treasury, the coast survey, the patent office and the census bureau, appointments have been made upon the test of examination; one congressman, at least, declared that he would not be elected again unless civil service reform was accepted by his constituents, as far as he was concerned; and these solitary instances show that even among the politicians themselves there are men in favor of our reform. But how shall there be enough secured to overcome that worst resistance, the inert mass who need only do nothing to perpetuate existing evils? It is, indeed, with a sense of hopelessness that the task is again undertaken, for it is hardly likely that anything said here will be effective in the quarter where conviction must be brought home; yet, if we can only stir up the people at large to insist on this reform, they must in the end succeed. And unless there is a clear and strong expression of the popular will, and sooner or later submission to its behest, we may as well confess that in this, at least, the politicians are stronger than the people.

Now the question of civil service reform is really not an open one. The experience of France, of Germany, of England, is all before us, to show that mere patronage, the appointment to office for party purposes and as the reward of political success, must in the end vitiate the government or be reformed away altogether. Curiously enough, while we have been now for nearly five years turning the subject over and over, as if it were some strange thing quite unsafe to handle familiarly, England has passed promptly from the experimental to the practical. After testing the matter in its vast Indian establishment and in some of its home offices, a recent order in council has determined that hereafter all appointments shall be made for merit only, to be tested by examination, and that the reward of excellence shall be promotion and permanent employment in the civil service. Mr. Low, the chancellor of the exchequer, claims for his government the credit of having swept away a large system of patronage and of corruption, and placed the public offices in the hands of the people as a reward for fair and honest exertion. The English press find the impetus in this sudden extension of reform largely due to the discussion of the same subject in our own Congress and in the usual channels of public opinion; and I have a vague hope that in turn the action of Congress will be hastened by the example set them across the water.

It is certainly not necessary for me to enlarge here on the

growing danger and mischief of our own system of purely partisan appointment to office and removal from it; the story has been told in the reports made to Congress by Mr. Jenckes, and has been published far and wide. But it hardly needed such official affirmation; for we all know it, to our sorrow, pain, mortification, discredit, and cost. The mischiefs are known, the reform has been attempted: is it adequate, and is it practicable? is it really wanted by the country, and is it likely to be got?

What is the history of the reform in other countries? In Prussia, the old system was swept away along with the old system of military and civil government, when the country had been subjugated by Napoleon. What Scharnhorst and Gneisenau did for it in making the new army, Stein did for it in the reorganization of the civil service; and from that time to this, the day of its culminating triumph, the work so well begun has gone on, approving itself by success to be all that we need. In England, the reform began in India, when the great rebellion brought about, at the cost of much misery, a reorganization which has now spread throughout the empire; the extension of suffrage, the reform in education, and the opening of the civil service to all classes, have been the result; and they are necessary to one another to secure final success.

Here we have had our trial, too, and we have come out of it more than ever impressed with a firm faith in the power of the people to govern; but with the good results have come other evils that, for the future of the country, must be cured, or we shall soon fall back into a worse state of slavery than that from which we have freed ourselves at such a cost of blood and treasure. The general government, which was before the war almost a stranger to the individual citizen, now comes home to each of us, and we find it represented by an army of officials numbering lately not far short of a hundred thousand men. The duties of these officers require knowledge, honesty, and capacity; the laws they have to administer are not only new to them and to the citizen, but they are among the most delicate and difficult to administer that can be imagined; yet all the trouble they take and give must be heightened by the fact that the system of appointment to office is one of the very worst in the world — one which makes it almost impossible for good men to get office, quite impossible for them to retain it; and the effort to reform it is met by the cry of the politicians, a cry that puts all good government past hope.

But England and Germany have overcome the difficulty of worse situations than ours: the one was weighted down with a foreign invasion, the other with a domestic rebellion, when the remedy of a civil service reform was attempted. We have no other enemy than one of our own making, and yet the great American politician is the only man who stands up for the existing state of things, and prefers to keep it rather than risk the loss of power by yielding to the pressure of reform for reform's sake. How long the country can stand the loss and injury inflicted on it, no man can tell; how long Congress can resist the growing demand of the country for at least a partial measure of reform, no man can tell; but while matters stand as they do, it is useless, worse than useless, to recount the theories of writers on government, to show how many forms and kinds of appointment to office there are, to cite the efforts in France and Germany to establish civil service schools, and to hope to make the education for political employment just as thorough as that for the army, the navy, the judiciary, or any other of the technical branches of government. The various processes and changes, the well-considered reforms, and the minute and nicely adjusted schemes of civil service appointments in Germany and France, are all parts of a system so foreign to our own and to our wants, that there is little to be found in it likely to be of any practical use here. The continental system is one of most governing; ours of the least. There, every step a man takes, from his birth to his death, is the business of the government, and there is an officer appointed to control and direct it: here, we want to keep to the fullest extent our power of self-government, of free and unlimited and uncontrolled action; and the officers of the civil service, numerous as they are, have duties which are altogether unlike those of their foreign brethren, and their relations to the government are necessarily ruled by entirely other principles. Then, too, must be borne in mind the fact that our present scheme of civil service reform is confined to the officers of the general government — that of the United States; but we have, besides, a whole other army of officers belonging to our State, county, and city offices, to the various ramifications of our local self-government — that powerful arm of our system, so utterly unlike the centralized power of French and German, of Italian and Russian nationalities, where all life seems to come from one source. Here, the stream of national life rises in a thousand sources, and from these flow the powerful currents that together

form the national body. If, by dint of pressure, we can succeed in getting the system of examination and test for appointment, and of probation and promotion, once adopted by the general government, we may fairly hope to see it gradually take the place of the present annual or biennial scramble for office, with which every town and every county is cursed in the intervals of the great Egyptian plague of a presidential election with its consequent upturning in every nook and cranny of office. When one looks at the practical results of the existing state of affairs, and at the small prospect of any change at the hands of the men who now control it, there is such a hopeless blank in the future that it seems almost wicked to theorize on what might be, when every effort ought to be made to bring about such a feeling in and through the people as will compel legislation on the subject. Yet how can I ask you to stop and discuss the question of whether or not such legislation is needed, or whether the particular bill of Mr. Jenckes or Mr. Schurz is the best? The principle once adopted, we shall soon work out the best way to secure its successful enforcement; and I confess that, growing tired of the windmills which have to be fought to secure civil service reform, I am impatient to go on to quicken the efforts made elsewhere to bring to the civil service the best ability of the country, and to retain it, too. Each nation, like each individual, thinks that the home method of doing anything is necessarily the best, and often the only one, — certainly the easiest to practice. In this way a system, or a want of system, like our own, goes on uncontradicted and unquestioned for years; and it is only when the evils and mischief produced by it have grown to be dangerous to the common weal, as they are here, that the need of reform teaches us to look elsewhere for instruction and the means of improvement.

There are three different methods of appointment to office exhibited in foreign countries: thus, in France, there is an arbitrary selection made by the head of each branch of the government; and although there is no legal right of permanent employment, the fact is that removal without cause is almost unknown. There have been various endeavors to bring about a change in this system. When Victor Cousin was minister under M. Guizot, he sent M. Laboulaye to Germany to study the German method of appointment to office; but, in spite of his capital report on the subject, very little has been done in the way of legislation. Still, custom is so powerful abroad that, even in the midst of all the violence of the overthrow of the empire, we hear nothing of any

changes in the rank and file of the employés of the government, and the republic finds that its tax-gatherers, its post-office messengers, its police, and its thousand other busy hands, all do their work the better for being safe in their places; indeed, one of the things that accounts for the easy transfer of power in France is this immovability of the subordinates, and the result is that government goes on in its regular course, no matter who is at the head of it. In England, the crown appoints directly; and, as part of our inheritance, we transfer to the President the same duty. The law, as we all know, has been recently changed abroad; while at home, after half of our national existence had been spent in a good working system, under which appointments were carefully made for merit, and changes only for cause, there was a revolution, which has gone on from bad to worse, until now it is hard to say who is responsible for any appointment. This we do know, that there is a loud cry for a reform. Now, where are we to look for the kind of reform that is to do us any good? In Germany, the old system of personal patronage was swept away, and in its stead there grew up the method of making appointments to office depend on examination. The business has grown so greatly that it has undoubtedly led to abuses; indeed, there is, perhaps, no body of men so much abused as the German Beamtenthum — the office-holders in Prussia especially. And even the system of examination has been roundly abused; it is said that one half of Germany is always examining the other half; that men are so busy getting ready to be examined, they never get anything else done. But, after all, the fruits of the system are now being tested by that crucial experiment, a great war; and apparently, while France is in a sea of distraction, Germany at home goes on quietly, all the real business of the government being done by competent men, and the thousand ties that bind up the civil and the military administration woven together in a stronger web than ever before. As the German system of the art of war is likely to be adopted by all the world now in admiration of its success, so too the German system of civil service examination may well come in for a share of our admiration, and the field for reform here is a clear one, in which there is room enough to test all its merits fairly.

Now, how far will a system of examination-tests tend to secure us a reform in the civil service? Examinations, of themselves, teach nothing, but they ascertain what has already been learned; and as men do learn on account of their desire to submit to this test, it is a means of securing instruction, and it becomes a factor

in education. If in the medical, the legal, the military, the naval branches of government, there are certain prescribed requisites which are found useful, why should there not be something of the kind set up for the great body of officials who constitute the civil service? The promise of universal suffrage and universal education fades away when we find that petty offices are not the reward of merit, or the result of good service even, but merely the prizes of success at the polls, and just as much the exclusive property of the senator or representative of the locality as his hat or coat. The test of permanence is not that of excellence in office, but of devotion to the successful fortunes of a leading politician.

If we can secure the proposed reform, we shall take away from our representatives in Congress the most tempting and the most dangerous weapon in their hands; but apart from this, and the good effect on the government and its employés, there will be a vast good done in showing that education is of itself a matter of real value, of such high importance that on its result, as tested by examination, will turn the question of appointment to office. Show that good government means a government in which even the lowest office requires a fair standard of instruction, and you at once begin to elevate that standard, until education becomes really an important element in the government, and not merely a means of imparting a certain amount of instruction for any use that it may be put to.

It has already been made a source of complaint by competent observers, that what we call a system of education is in fact only a system of instruction, and the distinction is one well worth noting. In the one case there is a supply of learning, principally of a technical kind only, which meets the immediate wants of the time; in the other, the real business of education, there must be a thorough training of the mind, an intellectual discipline such as will enable the man who receives it to work with more than mere mechanical skill, and to apply it to whatever pursuit he makes his own. If the government, through its legislation in Congress, says that it wants to fill all its offices with men competent to the duties to be done, to test that competency by examination, and then retain all who do their work well and promote those who do it best, that will be an authoritative promise on the part of the government that it means to encourage education for its own sake; and the impetus and advantage thus given will secure, in return, an increased measure of instruction and education in the particular direction necessary for the training of

good officers of the civil service. It is not necessary to undertake the special education of men for office, as has been attempted with small success elsewhere, because the technical knowledge which is wanted can easily be had, or be added to the existing schools, and this is the method that has grown into a working system in England. The time spent now on subjects of doubtful importance would soon be devoted to the matters prescribed for examination, so that there could be a steady advance in the standard of attainment necessary for admission to the civil service; and the schools and colleges would soon supply the demand thus created for a larger and better course of instruction, and, by so much add to the general stock of higher education throughout the country.

The question of reform in the civil service has been discussed from so many standpoints that it is difficult to find any objection to it which has not already been met. Merely as an economical measure, and this I look on as its least important side, it has been estimated by competent authority that there will be a saving anywhere from fifty to a hundred millions in the annual income. But even if not a dollar is to be saved, there is still a hope that by it we shall be saved from the evident depreciation in our political morality. The whole business of government is now made to turn on the question of who is to get the control of the offices; and elections are lost or won, not on the merit of the candidates, but on the power of professional politicians to gain votes by the promise of office. Even when the question is decided, the country is kept in a turmoil, and its business all upset, until the unfortunate man in power has chosen from the scrambling mass before him the still more unlucky men who give up honest and secured livelihood for the dangerous game of public service. High and low, great and small, from the tide-waiter at the custom-house to the officer most needing technical skill and responsible character, there is no certainty, because there is no requisite, of qualification. Instead of complaining that we are so badly off for our public service, the wonder is that we get even the men we do find for it; and we ought rather to be thankful for that peculiarity of the American mind which enables it to do pretty much anything, and to turn out good work with bad tools. Perhaps there has been an unconscious benefit in it, for the men who approved themselves competent often found much better employment in private pursuits, and the great corporations have drained the government of its good officers, even faster than rotation in office or the elections could do it.

What are the means of bringing home to Congressmen, and to the people who make them, the strong popular faith in civil service reform? What do they care for glittering generalities? No matter how true and how old the adage that the best government is that which is best administered, there is little hope of securing a return to the good old practice of making appointments for merit, unless some pressure is brought to bear that will secure by legislation the reform that we want. It is this first step which costs so much, and without it there is no use in preparing for a further advance. I confess I feel sick at heart when I see the utter indifference of the politicians to this question. The people at large are, as they almost always are sure to be, right in the main; and if there could be a vote taken on the question, I am sure the result would be all that the most sanguine friends of civil service reform ask. Unfortunately, the division of power is so complete here that in this case the initiative rests almost entirely with the legislature. We can only repeat over and over again, that there must be a reform in our civil service. We must stop making it a mere appanage of party politics; we must make some test by examination for those who want office, and when they get it they must be rewarded for good conduct by being retained and promoted. These are truths, but truths so commonplace that I am almost ashamed to be repeating them here; yet you know that they have been stated over and over again in Congress, and so far with success very little proportioned to the necessity of the case. The task we must undertake is to put all our best energy at work, both as individuals and as members of this Association, to secure such a measure of popular support and pressure as will most effectually enforce the passage of a good civil service bill.

But I have spoken of the question of appointment to office as if it were all that we wanted to change: it is the first step only, and that once taken, the others are sure to follow. The almost necessary result of appointment for merit is, of course, removal for cause; in other words, the office once got, it is to be kept during good behavior. Such was, as we all know, the whole course of the government from the administration of Washington to that of J. Q. Adams; and yet the subsequent change has become so much a part of our system, that people as well as politicians are inclined to look on it as one of the necessary results of our form of government. It really requires a moment's reflection to think of what would be the state of affairs, if we could rid ourselves once and forever of this fearful incubus, and return to the prac-

tice of better days. Who would be left to cheat at elections, to gerrymander in legislatures, to secure nominations at conventions, to do all the dirty work that has made party the curse, instead of the blessing of the country, if elections did not make and unmake party slates, and fill our civil service with men who are not so much incompetent as indifferent? In England the suffrage has been enormously extended, but I believe the civil service there has no vote; and yet, with almost unanimous approval, the final seal has been set upon the reform in the civil service by opening every branch of it to competitive examination. In France a revolution and a foreign war are at work in their worst forms, yet we have not heard of any changes in the civil service made with anything like the violence that accompanies one of our elections, in which the business of the country is made to suffer for the gain or loss of a horde of petty places.

It is hardly worth while, at this stage of the game, to stop and discuss the objections made to a permanent civil service; still some of them are so readily answered that it may be well to state them, for the sake of such an easy victory. In Germany, for instance, the Beamtenthum, the civil service, is charged with being filled with men who never change their career, and are spoiled alike for active employment in their own interest and for fair treatment of the outside world. Now, apart from the triumphant answer of the splendid service done by these very men in that hardest test, foreign war, it is safe to say that the men in this country who will shut themselves out of other careers for a lifetime, to devote their lives to the small reward of office here, must be a very insignificant minority, and there will be a large body always passing from the service of the government to that of other great employers, just as there already has been. No sooner does a man approve himself a good officer, than more quickly even than the changes of party or of mere partisan interest can drive him out, some watchful man takes him to the more grateful task of private enterprise. And as to the indifference of the lifelong officeholder to the interests of the government or of the people who have to deal with him, I think I am safe in saying that we are all ready to exchange the intolerant ignorance of the mere political appointment for the experience of an old official, and to take his manner as we find it. Even the Tite Barnacles of English offices have been swept away by that great machine, civil service examination; and as it has levelled down in England, so we may be sure that it will elevate in this country, if we can only

get it. Who knows but that what it is doing in the census bureau, for instance, may bring about the legislation which we asked for five years ago, and are asking for to-day?

In Germany, the offices that constitute our civil service were largely the property of feudal lords and great landowners; and, curiously enough, at the same time that the great reform in land tenures was made, and the predial slavery of the peasants was abolished, the civil service was reformed too. It was not until the final establishment of the existing German empire that the post-office ceased to be the private property of the Prince of Taxis, and even now his family draw a handsome salary from the revenues of the office. In France, on the other hand, part of the work of the revolution was a reform in the sale of offices, and still to this day many places are bought and sold as a matter of legal right; even the judicial offices were made at one time a source of revenue; and, as if to show how incongruous are the results of various systems, it is a well-established historical fact that the families of the robe, the owners of these legal estates, were the best and strongest opponents of royal tyranny and abuse. In England, the distribution of offices of a subordinate kind was one of the well-recognized means of parliamentary government, and it is nearly certain that among the reasons why Burke never became a great man in the government, was his energetic and successful effort to make a reform in this matter. It was under the influence of his earnest eloquence that our own first beginnings in a national government took the right direction; and from the days of Washington to those of the younger Adams our civil service was permanent, and good, and useful in its sphere; now it is the prey of men more unscrupulous than the followers of Walpole or Bute, it is the property of men more grasping than the French dealers in office, it is the stronghold of men more difficult to overcome than were the robber knights of mediæval Germany in their last defenses.

But, surely, if in other countries such a change was effected, we need not despair of success and reform here in the same direction. The German nobleman who used to control the local offices near his estates is very glad to get one of them now from the government, after thorough examination, and he knows that he holds it subject to the same test; indeed, his relation to the government is not unlike the old feudal relation of lord and serf; he gives up his life to the service, and in return he gets his own living, or, if he outlives active work, he gets his pension, and his family are provided for in case of his death. In France, the

families which owned some of the best places are now quite willing, nay anxious, to sink all political differences, and secure appointments in the administration. There is, too, a distinction between "government," that is, the thinking, guiding, and directing head, and "administration," the civil service, the acting hand; this is never political, and therefore the representatives of all the various parties in French politics, Legitimists, Orleanists, Bonapartists, Republicans, get and keep office, no matter who is at the head of affairs. In England, so thorough and effective is the change, that civil service training is part of the course now at the universities and at the public schools; indeed, while French and German theoretical legislators have been painfully discussing the best means of establishing special schools for civil service instruction, the good common sense of the English working politician has brought about the same result, by securing it as a part of the regular work of the great educational establishments, and in it we see just another proof of the old truth that the supply and demand question settles itself.

De Tocqueville still remains, in spite of many endeavors to displace him, the most philosophical observer of our system of government, and his two volumes are full of remarks on the crying errors in our civil service. What would he not say, if he could measure the fearful growth of this mischief in the period that has elapsed since his visit? One of his best aphorisms, perhaps, is this: "L'état gouverne et n'administre pas;" and another phrase is almost equally true: "Les assemblées législatives engloutissent chaque jour quelques débris des pouvoirs gouvernementaux; elles tendent à les reunir tous en elles mêmes." His prophetic eye told with truth the story of the decay of our civil service: "L'instabilité administrative a commencé par pénétrer dans les habitudes; je pourrais presque dire qu'aujourdhui chacun a fini par en contracter le goût. Nul ne s'inquiète de ce qu'on a fait avant lui. On n'adopte point de méthode; on ne compose point de collection; on ne réunit pas de documents; la société semble vivre au jour le jour, comme une armée en campagne. Cependant, l'art d'administrer est à coup sûr une science, et toutes les sciences, pour faire des progrès, ont besoin de lier ensemble les découvertes par differentes générations, à mesure qu'elles se succèdent; un homme remarque un fait, un autre conçoit une idée; celui-ci invente un moyen, celui-là trouve une formule; l'humanité recueille en passant ces fruits divers de l'expérience individuelle, et forme les sciences. Il est très diffi-

cile que les administrateurs Américains apprennent rien les uns des autres. Ainsi ils apportent à la conduite de la société les lumières qu'ils trouvent répandues dans son sein, et non des connaissances qui leur soient propres. La démocratie, poussée dans ses dernières limites, nuit donc au progrès de l'art de gouverner." The reason why, even if bad men are found in office, they do less harm here than abroad, he says is because their interest is and must be that of the majority; but unfortunately we have discovered that the majority is not always right. One of the most effective things in the book is the chapter on "L'industrie des places;" and office-seeking never reached nor received more truthful and dignified treatment than is given it here. The description of the mischiefs that accompany it in a monarchy is exactly that which we have found to be so destructive of good government and political morality here, yet the French philosopher seemed to think that we were in little risk of ever getting to such a condition; and what he wrote, as the warning and result no doubt of his own experience in France, has shown itself in its worst shapes as the natural consequence and outgrowth of our indifference to the teachings of old nations and of governments that have passed through the same trials: where there has been reform, they have survived; without it, there has been revolution, often ending in destruction, always in lasting and self-inflicted loss of power and strength.

Now, what do we need to secure reform here? Simply enough pressure upon Congress to get a good law regulating admission to the civil service. Mr. Jenckes has the merit of having first broached the subject in the House, and he has followed it up year after year, each session showing a gain both in the number and quality of its supporters. Mr. Schurz and Mr. Patterson in the Senate have also proposed projects of laws: the one going over the same ground as that of Mr. Jenckes, the other limited to the diplomatic and consular appointments. In the hurry and pressure of other business, no final action has as yet been taken; but while legislation is still incomplete and inchoate, the partial solution of the question is being made. In the census bureau and in the treasury, admission was regulated by examination, and the result has been eminently satisfactory; in the coast survey and in the patent-office, the same rule has long been applied and with equal effect.[1] A very active and popular member of Congress

[1] The appointments to the legal offices and to the medical offices always require technical knowledge, which is tested by examination for admission to the bar, and for the degree

from this city, Judge Kelley, accepted the nomination for another term, in a capital letter, on the condition of being free from the bother of applications for office, and on the ground of his anxiety to assist in securing civil service reform. He has been elected again, as he well deserved to be, by a large majority; and he now goes to Congress, with the indorsement of one of the largest and most intelligent constituencies, fully up to the requirements of the case. In him, therefore, we may fairly count on a strong ally and support to secure prompt legislation. This is slow progress, perhaps, if every representative and every senator is to be gained to the cause in the same way; but still it is progress, and in the right direction, too.

After all, however, we must not forget that this proposed legislation is only a means of returning to the original condition of things; no such legislation was needed down to Jackson's time, because no such abuse existed to be corrected. In England, the initiative was taken by the government, and it was not until the effort was found successful that it asked and received the sanction of Parliament. The last and largest measure of reform, opening all the civil service to competitive examination, is the act of the government, — that is, of the administration, as we should call it, as distinguished from Congress; and here, too, the same remedy might be applied, in the same way. If, to-morrow, General Grant should order the examination of all the officers within the scope of the proposed reform; or if he should say, by circular to the head of each department, that every vacancy should be filled only upon the report of an examination, and that the examination was free to all who chose to present themselves, half the battle would be won. He would, of course, have to meet the hostility of all the working politicians, who live on the trade in offices; but on an appeal to the people, with all the advantages of full information on the subject, he would be secure of a renomination and a reëlection by a strength of numbers that would forever set the seal of condemnation on the evil system against which we are fighting. It would be fighting the politicians with their own weapons; and, powerful as they are, how much more strength there would be in them, when office is put to a good use, made the reward of honest merit, fairly tested, and secured by probation and promotion, so that there would be a career for all who

of M. D. Everybody, even congressmen, must see that this is right and proper. Why, then, should the proposition to extend the rule and make it universal and not exceptional, for all appointments under government, be so difficult to adopt by suitable legislation?

enter the civil service, and that civil service is redeemed and restored.

Henry Taylor, one of the most thoughful members of that excellent body, the permanent English civil service, thus spoke of it before it was reformed: "This, then, is the great evil and want: that there is not within the pale of our government any adequately numerous body of efficient [*men in office*,] some to be more externally active and answer the demands of the day, others to be somewhat more retired and meditative, in order that they may take thought for the morrow. How great the evil of this want is, it may require peculiar opportunities of observation fully to understand and feel; but one who, with competent knowledge, should consider well the number and magnitude of those measures which are postponed for years or totally pretermitted, not for want of practicability, but for want of time and thought; one who should proceed with such knowledge to consider the great means and appliances of wisdom which lie scattered through this intellectual country, — squandered upon individual purposes, not for want of applicability to national ones, but for want of being brought together and directed; one who, surveying these things, should duly estimate the abundant means unemployed, the exalted ends unaccomplished, could not choose, I think, but say within himself that there must be something fatally amiss in the very idea of statesmanship on which our system of administration is based, or that there must be some moral apathy at what should be the very centre and seat of life in a country like ours."

Whatever may be the immediate effect of the movement for civil service reform in the United States, there can be but one ultimate effect, and this the achievement of the reform. We may be disappointed in the course of our executive; we may be exasperated by our legislature; we may be tried and cast down by the indifference or the inaction of the people. But there are public as well as private men who have fastened upon this reform, and the duty of laboring to bring it about is coming nearer home to all who believe that there is hope for it. Of such only can this Association be made up, and for them I have spoken.

NOTE.

Since this paper went to press, we learn that Congress has appropriated $10,000 to enable the President of the United States to institute boards of examination or other measures for carrying into effect

the clause of the Appropriation Bill by which the last Congress authorized him to begin upon the reform of the civil service. It was printed in the third number of this Journal. The President is described as determined to employ the power with which he has thus been vested. The best wishes of the nation go with him; yet he can but begin the work. It will not be completed except by more general and authoritative action on the part of Congress.

# INTERNATIONAL INDUSTRIAL COMPETITION.

Read at the General Meeting, Philadelphia, October 27, 1870. By Joseph Wharton.

> "Krieg, Handel, und Piraterie,
> Dreieinig sind sie, nicht zu trennen." — *Faust, Part* 2, *Act* 5.

These words, put by Goethe into the mouth of Mephistopheles, express what I think has been too much overlooked by many writers upon the subject of International Commerce, *i. e.*, the essentially antagonistic nature of trade. It has been too much the fashion to omit from consideration those aspects of the case which become apparent when the several nations are regarded as competing organisms, each of which struggles to better its condition both absolutely and relatively to the others, just as each individual of a community strives to rise in the social scale.

Much is said, upon the one hand, of the higher wages which the protective system affords to the producer; and, upon the other hand, much concerning the cheaper goods offered to the consumer by unshackled commerce; but if either the free-trader or the protectionist could prove to demonstration that his policy insured to either class a larger allotment of personal comforts during the current year, with a larger surplus at its end, than under the opposite policy it could enjoy, the question as to which course is most expedient for the State would by no means be exhausted. The statesman must look beyond individuals or classes, and beyond the immediate present; not content with noticing that certain parts of the body politic are properly nourished, he must see that the body as a whole possesses vigor and symmetry; that development and robustness attend upon nutrition; that the whole organism enjoys fair play and good guidance in its strife with similar artificial bodies, and above all, that its present course is leading on to future health and power.

The advocates of unrestricted commerce in particular seem to me to disregard too much the existence of nations, and to look upon men merely as individuals, each of whom is to take thought of his present and particular welfare alone, unmindful of his nation, for the collective and future well-being of which no one is to care.

The Manchester school of political economists persistently entreat mankind to regulate their commercial affairs upon the assumption that the entire race of man is but a band of brothers, who, though they may be accidentally gathered into groups designated by the "geographical expressions" United States of America, England, France, or the like, and though they may be so devoted to their respective groups as to fight desperately upon occasion for the defense or aggrandizement of them, are yet, so far as so-called peaceful intercourse is concerned, really a single family, and ought in all that relates to trade (that is, in nearly all whereby in ordinary times the nations act upon each other) to disregard this national grouping. The common interest of mankind would seem, according to this school, to require that since such groups do exist, one of them should produce food, and another cotton or wool, while a third should make tools or clothing, and that the individuals of each of the groups should expend much of their energy in carrying their several products across land and sea to trade them freely with members of the others.

Would such universal and unrestricted trading and division of labor among the nations be founded upon the deepest instincts and interests of our race, or are they so contravened by ineradicable human characteristics that the desire for them is merely sentimental and illusory?

These questions cannot be properly answered without consideration of many collateral points, and particularly, I think, of the following: —

I. Is it intrinsically right for persons to form themselves for mutual aid and comfort into nations, preferring each other to strangers, carefully hedging themselves about, and jealously guarding their territory, their separate and peculiar institutions, and their own modes of life? Or should all barriers be broken down, and mankind be obliged to fuse and coalesce into a single mass?

II. If the grouping into nations be permissible, is it right for each nation to endeavor to be self-centred, self-supporting, complete, and independent as to material wants, or should certain of them be permanently subjected to others by dependence upon those others for articles indispensable to human well-being or comfort, which they could themselves produce?

III. If, again, men may properly form nations, should the several governments thereof take cognizance of trade between their respective populations, regulating the same as each may see fit, or should they limit their action strictly to internal affairs,

absolving their subjects from allegiance, and imposing no conditions upon aliens, in so far as trade is concerned?

IV. Supposing that a nation, allured by the abstract beauties of the universal brotherhood theory, or by promises of pecuniary advantage, should legislate to treat citizens and aliens alike in matters of trade, but should find that by the hostile industrial organization of other nations its markets were overloaded, its workmen thrown out of employment, its money drawn away, its finances crippled, and its independence endangered. Ought that nation still to continue in the policy of defenseless confidence, or ought it, if yet retaining vitality and courage enough, to protect itself from such trade invasions by fitting legislation?

V. Supposing the right of a nation to be undeniable as regards other nations to protect itself by any expedient devices from spoliation through trade, has its government the right, as between its own citizens, to aid some at the expense of others, in order that the whole nation may attain greater vigor, completeness, power of self-sustenance, and independence?

VI. Is there, on the other hand, any obligation on the part of a government towards its citizens, to give all necessary aid and support, at the common cost, to such as are laboring to expand its resources, extend its industrial domain, and fortify its independence?

VII. Is the common good of mankind promoted by an enormous transportation of raw material from the ends of the earth to a few spots, there to be manufactured, and the finished products in part transported back again; thus establishing among the nations something similar to the division of labor which is advantageously practiced among individuals?

VIII. Does the "laissez faire," or let alone doctrine, which some sociologists insist upon as the law of nature, and as the correct rule for international trade, inculcate a really sound policy for the guidance of nations in their dealings with each other?

*First.* As to the right of mankind to form nations. This head might almost be dismissed from consideration with such adages as "whatever is, is right," or "vox populi, vox Dei," were it not that the basis of the whole question lies here, and that we must on that account pause here long enough to be quite sure of our foundation. Such difficulty as this topic offers is akin to the difficulty of proving that lead is heavy, or that it is wrong to tell lies, so near is it to being one of those ultimate facts which appeal directly to the sensual or moral perceptions. We know as distinctly as we

know anything, that men everywhere, and in all ages, invariably have formed and do form themselves into groups of greater or less magnitude and compactness, the individuals composing which voluntarily surrender certain portions of their substance, their time, their efforts, their free will, in order that they may derive from the community to which they belong a share in the advantages conquered by it from nature or from rival communities, settled relations towards the various individuals of their own group, and protection from the aggressions of others.

It would be easy to run through a catalogue of the various sorts of societies into which men at various times have formed themselves. If examples were asked for of men living in contiguity, without in some manner associating themselves together, no better instance could be offered than the Patagonians, the Esquimaux, or other semi-brutal people, whose loose and low organization is but one part, whether cause or effect, of their low status of humanity; these seeming exceptions thus clearly proving the rule.

It is to be observed that the degree in which the individual voluntarily surrenders or modifies his original rude independence, increases with the completeness of the organization to which he belongs; in the case of such complicated structures as the great civilized nations of modern times, he is compelled or restrained in every function and at every moment, in order that the great organism of which he is an almost imperceptible constituent may thrive, or that it may move in such course as seems at the moment most advantageous to the whole mass. Commensurate, however, with the completeness of the surrender of personal independence to the well-ordered State, is the completeness of the advantages, the security and the enjoyment which the individual derives and has the right to demand from the State; the net balance of advantage to the individual so certainly increasing with increased perfection of organization, that this latter is constantly striven after, and is completest when mankind have reached the highest types. Mere attraction of cohesion exists wherever men come into contact; the finer and more powerful social forces comparable to affinity and crystalization, exert themselves in proportion as the societary atoms are more refined, yielding sometimes such results as Roman law or Grecian art, and leaving us to hope for still more splendid growths in the future.

Seeing thus that men always do group themselves into tribes and nations, that no people thrive or attain eminence who have not keen and strong instincts of nationality and organization,

that those nations, such as the ancient Romans and modern Prussians, who possess those instincts in the highest degree, grow and bear sway, while those others whose societary instincts are weak, such as the ancient Parthians or modern American aborigines, dwindle away in spite of individual prowess, that our best hopes for the future of the race are founded on the perfection of artificial society — seeing all this, we may surely take it for granted that the tendency of men to form nations is ineradicable, and is right.

The suggestion of the other extreme, that all mankind should coalesce into a single universal band or nation, is sufficiently disposed of by the reflection that certain limits are well proved by all experience to exist, beyond which the centrifugal forces exceed the centripetal; that all the vast empires have at last perished by reason of their too great expansion, and that not even the strongest organizing and controlling genius is sufficiently powerful to hold permanently together, and to restrain from the attractive force of rival centres, masses of people whose climate, language, habits, and religion too greatly differ.

The principle of that school of economists which treats of mankind as forming one great brotherhood, with common interests, however noble it may appear in the abstract, must therefore, in the present condition of human nature, be regarded as utopian and visionary. When every man shall love not only his neighbor, but also his rival or enemy, as himself, it may be received as the guiding principle of statecraft, but in the existing state of humanity it cannot be considered as more than the dream of amiable enthusiasts.

We start, then, with the premise that mankind are of right, always have been, and always will be, gathered and separated into nations, with strong cohesive and organizing internal force. To this we may add, that all history is a reiterated and cumulative demonstration of the fact that the rival nations are animated by strong antagonisms and competitive feeling toward each other.

*Secondly.* In treating of the rightfulness of a nation's attempting to reach independence and self-sufficiency (in the original and better meaning of that term), to become *totus, teres, atque rotundus*, I again encounter the embarrassment of having to set forth a truism, so instinctive and spontaneous is every one's conviction that his nation, at least, must strive for such independence.

The power of a nation to improve and perfect itself as a single

organism or creature, inheres in mankind as a consequence of a human trait which separates man widely from all other animals. While a group of the lower animals is but a *grex*, and is but a numerical expansion of a single specimen,[1] so that when one rabbit burrows, one buffalo grazes, or one wolf hunts, a dozen or a thousand rabbits, buffaloes, or wolves can but burrow, graze, or hunt; a group of men, on the contrary, shortly parcel out among themselves the various functions needful to make not only a coherent but an organic whole — a complex congeries of inter-acting members, working together like the several parts of a machine to produce results utterly unattainable by any individual, and the ultimate capabilities of which, after all the noble achievements of the best organized communities, are yet to be discovered. The possession of these wonderful powers implies the duty of exercising them — of forming, developing, and perfecting nations.

A broad distinction is however presently apparent between large and small nations as to the degree of completeness and independence attainable, and among the smaller nations, between those which are contentedly small, and those which have the intention of becoming large. The small nation, such as Switzerland or Denmark, which has but a slight range of habitable climate, and consequent slight range of organic products; from whose territory nature has withheld many of the minerals that, like coal and salt, are themselves indispensable, or, like the metallic ores, yield indispensable substances; and which is surrounded by nations so great and powerful that expansion is not to be thought of, — such nations may perforce be obliged to content themselves with an imperfect development, and with perpetual reliance upon foreigners for very many of the necessaries of life. If they are wise and diligent, they will however attain as complete material independence as their straitened circumstances will permit; they will, so far as possible, make domestic substitutes answer instead of foreign desiderata, and must at last find or create means to make themselves in some way as essential to their neighbors as those nations are to them, thus winning by trade what nature denies to them.

Very different is the case of those great and favored nations whose domain embraces nearly all soils and climates, and contains all or nearly all the useful minerals. They, endowed by nature with every capability for attaining the full stature of manhood, are

[1] To the objection which may be suggested that bees or ants form something like organized communities, it may suffice to reply, that when such communities are formed their integrity is most jealously guarded, to the extent of absolute non-intercourse with any similar community.

derelict if contented with anything less than perfect symmetry and the most complete self-sufficiency. Holland, Switzerland, and France may be forced to buy, and be absolutely dependent upon foreigners for, iron, coal, and copper, respectively; England may be similarly dependent for sugar or tobacco, and Cuba for flour; but there are great continental nations which are not so cribbed, cabined, and confined. No folding of the hands in hopeless submission to the hard limitations of nature is permissible in their case at least; having all climates, all soils, and all minerals, any failure to supply all their wants, and thus to earn an existence independent of the good pleasure of any foreign power, would be inexcusable. It may at last be true, as was said by Gortschakoff, that "Russia and America are the only nations whose grand internal life is sufficient for them;" but if these two really stand in such lofty isolation, the less excuse has either of them for relying upon the mercenary and precarious support of a competitor.

Even if no nation whatever is absolutely able to satisfy from its own products all the artificial wants of the present day (some of which wants, like those for French fashions, are purely factitious and excited by ingenious people for their own gain; while others, like those for coffee, tea, and spices, would seem to be imperative, did we not know that all the generations of our ancestors except some of the latest, had lived without them), and if there are but few nations which do not need to look beyond their borders for some of the real necessaries of modern life; still, each one according to the measure of its capacity is bound to strive for completeness, for symmetry, and for independence just as each man is bound so to strive. Self-preservation clearly requires every nation to be as complete, as sufficient unto itself, and as little dependent upon its neighbors for the means of continued existence, whether in peace or in war, as its national circumstances will permit. No crutch or prop can fill the place of sound limbs of one's own, such as come by honest toil, and no facilities of foreign trade can stand to a nation instead of sound internal development and self-sufficiency.

*Thirdly.* Some may think that before attempting to show the right of a nation to regulate the dealings of its citizens with foreigners, the right should be shown of any human authority to interfere in any manner between two individuals desiring to trade together. Without wasting much time upon this abstraction, it may suffice to point out that interference in these matters is one

of the inevitable constraints which every member of a civilized community undergoes.

Not only are certain sorts of trading quite forbidden, as that in lottery policies or counterfeit money; others carefully limited, as that in poisons, gunpowder, or intoxicating liquors; and others promoted, as when government aids in building roads and canals to bring grain to market; but generally, by taxes upon sales, by stamps, or otherwise, government not only interferes between parties trading, but actually compels them to pay for the privilege of exercising under her protection in a perfectly legitimate manner, what some champions of unrestricted trade consider a most indefeasible natural right.

The right of a nation to regulate its foreign commerce is attacked by only a few visionary social philosophers, the same who declare that all custom-houses and all checks upon trade should be swept out of existence; still, since there is a certain vague seduction about the phrase "freedom of trade," and since any cry often enough repeated becomes at last with some a point of faith, it may not be wholly useless to bestow upon this specious doctrine a brief consideration. It attacks, we must remember, not only the policy but also the right of a nation to regulate its foreign commerce; the gates must be flung wide open with absolute freedom to all. In the eyes of its advocates, that most potent of commercial regulations, a tariff, is an "iniquity," "an infamous tax," "an odious monopoly," and they proclaim it to be moreover a mere modern outrage unsanctioned by the example of such ancient nations as Greece or Rome.

In considering this clamor, one's first reflection is that every nation — enlightened, civilized, half-civilized, or barbarous, as the old geography classification has it — every nation or people in fact upon the face of the earth but the absolutely savage, does most carefully legislate concerning its foreign trade, imposing thereupon just such conditions as to it seem meet and conducive to its own peculiar interests, except that in the cases of certain nations already feeble and growing feebler, the conditions are to some extent dictated by other and more powerful nations for their own gain. How insignificant was the wrong-headedness of the eleven obstinate jurymen, whom their colleague besought in vain to yield their convictions to his views, in comparison with this fatuity of the entire human race, which a philanthropic little party with goods to sell is now undertaking to dissipate!

A second reflection shows that without regulating its foreign

commerce, no nation can regulate its internal affairs, or in fact can long subsist; for in these days all the industries and finances of a country are so connected with its foreign commerce, that to abandon control of the latter, is to abandon control of all the country's material interests, and to allow them to be managed by the enterprising foreign trader. There is no more marked line of nationality than the customs cordon, and the tendency of customs' frontiers to become national frontiers is well illustrated by that abolition of the semi-independence of the old French provinces and of their inter-provincial tariffs, which created a solid and powerful France, and by the formation of the German Zoll-Verein, which has before our eyes transformed the disjointed little German nationalities into a compact colossal Germany. This method of national aggregation has, however, like all others, its limits, such as have been already adverted to. It is idle to cite, as is sometimes done, the examples of ancient nations against this universal modern practice of regulating foreign commerce by legislation, for we must remember that in the good old times a nation coveting its neighbor's goods took them by the sword rather than by trade. To crush by direct invasion with armies superior in numbers, organization, or armament the resistance of a conterminous power; to take by direct plunder whatever seemed worth the carriage; to remain permanently in the land, enjoying it as its lords; to exact by direct tribute all that could be extorted, — these were the simple processes by which in ancient times the stronger or more cunning nation dealt with the weaker. But the fashion of the times has so greatly changed that the employment of these rude agencies is now exceptional, and the efforts of nations nowadays to overcome and despoil each other are conducted by methods ostensibly more peaceful, though really not less efficient.

Since then it is by trade usually, and by war but occasionally, that one nation now assails another, the defenses of nations must necessarily be adapted to the occasion, and a tariff can baffle and defeat the foreign plunderer of these days better than a fort. A modern nation may be likened to a modern citizen, who seldom has occasion to make heroic defense of his hearthstone, sword in hand, but who finds it highly expedient to keep a watchful eye upon the current expenses of his family, and see that they do not exceed the collective family earnings. Armed force lies it is true behind the tariff law, ready to enforce it against the contumacious, just as any other law is in the last resort made valid, but who can adequately depict the immense improvement of society indicated

by the substitution of a regular and smoothly-working tariff, for the wild and hasty levy of troops to resist a foray? It is in short absurd to entertain the idea either of abandoning all national defense, or of abandoning the modern style of defense for the ancient.[1]

*Fourthly.* Our supposititious case of a nation confidingly stepping into the arena of the world's trade battles, to fight with the gladiators there, herself unshielded and imperfectly armed, is not without foundation in fact, and though history has not always condescended to narrate the results of industrial and commercial policy, the comparatively recent examples of Portugal, Turkey, and India show clearly enough the results of such a course. Each of these nationalities, once powerful and haughty, has enjoyed under English auspices a full development of the freest commercial intercourse, particularly with England herself, the great apostle of free trade, and each of them is now a pitiable illustration of how free trading like free fighting simply means the defeat and ruin of the weaker or less skillful party. Even our own nation, whose birth as an independent power was greatly owing to the determination of her people not to be forced to trade with the mother country upon terms of England's setting, has since at several times yielded to the latter's blandishments, and, blinded for a while by the lusty vanity of youth, has undertaken to cast aside her shield, and wage industrial warfare unprotected; the result having upon each occasion been our discomfiture, and forced retreat to our tariff defenses.

I know that some theorists still maintain the doctrine that

[1] It might, at first sight, appear that since both the Athenians and the Romans practiced the collection of import duties upon foreign goods entering their territories, these remarks upon the contrast between the ancient and modern styles of international attack and defense are inappropriate, and that any notice of the cavils of those who declare tariffs to be an abominable invention of recent times should be confined to simply showing that they were habitually used by the most enlightened ancient nations.

I have, however, chosen rather to assent to the assumption that tariffs such as ours were unknown to the ancients, and thence to draw the above-mentioned contrast, because, in point of fact the ancient import duties differed radically from those of our day, both in their application and in their motive.

Without entering fully into this subject it must suffice for the present to observe: 1. That the tariffs of both Greeks and Romans applied not alone to merchandise entering Attica or Italy from the territories of alien powers, but also in exactly the same degree to goods entering those countries from their own contiguous provinces or outlying colonies. 2. That certain favored classes were allowed to import goods duty free, and certain ports were allowed to retain for their own use a part or the whole of the duties they collected. 3. That no vestige is discernible in those tariffs of any intention to foster home industry, to thwart the attacks of foreign industry, or to create a favorable balance of trade; their only motive was the raising of revenue.

there must be mutual profit in trade, and that every bargain is presumably beneficial to both parties, since each enters into it voluntarily. Apart, however, from such glaring exceptions as the case of a rumseller and his victim, or the kindred case of England's opium-selling to China, we constantly see how the more crafty or cultivated party lures the simpler and ruder to exchange the solidly valuable result of much toil for useless trifles, as when the trader induces the savage to part with his gold and ivory for a few beads, or when France deals with America; and again we see how the establishing of a quasi monopoly of necessary commodities through earlier development, enables one party to constrain the other into dealing with him upon his own terms until the monopoly can be broken by building up competition, as when but a single machine-shop exists in a region full of factories, or when England undertakes to be the workshop of the world.

Even when a trade actually and permanently benefits both parties, it is entered into by each, not with any thought for the good of the other, but for his own private advantage and emolument. It cannot be too strongly stated or too clearly understood that the end and aim of trading is booty, and that its principal weapons in our times — its huge and formidable engines of war — are the great establishments of industry and credit; the factories and the banks. The nation which can bring an opponent fairly within range of this artillery, and open its batteries upon him, silencing his guns if he has any, must effect his subjugation; mere vast preponderance of numbers cannot prevail, as India sufficiently demonstrates. When a modern nation is resolved to despoil another through trade, if the antagonist retires within walls of ancient isolation, as for instance the Chinese, he must first be drawn like a badger; if he struggles and rebels, as for instance the Irish, he must be scourged and bound, and his weapons, the factories, thoroughly destroyed; if he is formidable by absolute force of brawn and brain, and is fortified by walls of legislation, as for instance the United States, he must if possible be cut into mutually hostile fragments, or, that failing, must be cajoled into internal jealousies, and into breaking down his laws, thus exposing his forces unprotected to be defeated in detail.

I have said that the United States has sometimes been so deluded as to believe that fair and profitable commerce could be openly conducted with England, but that on each occasion the attacks of English trade were so fatal that we were driven within our barriers, there to refit our weapons and to gather strength

and vain confidence for another sally.[1] Our merchandise markets have been crowded with the products of English mills, furnaces, and factories, destroying our natural and healthful internal circulation, the demand for and distribution of similar domestic products; our money markets have then been driven into panic and collapse by the calling home to England of specie to pay for her products; our factories have through these means been sold by the sheriff into unskillful hands, and our banks taught to extend only the most timid, momentary, and vacillating aid to manufacturers.

To protect ourselves for the future against the assaults and invasions of foreign trade[2] under which we have so often suffered and smarted, we have built up such fortifications as commend themselves to the best judgment of great majorities of our population, and similar to those which have been shown by the experience of other nations to be suitable. It is for doing this that our chief antagonist mocks us as heathen, sends missionaries to our people, and preceptors to our legislature, affecting a well-bred surprise that we are not yet convinced either of our having no right to protect ourselves or of our mode of self-protection being inexpedient. The example of our own trade has here been dwelt upon as illustrating more clearly than abstract arguments could do the general truth that there is "no friendship in trade," that the nation which thinks otherwise, and acts upon a generous confidence in human nature, fares no better than an individual who deals upon similar principles, and that self-defense is imperative.

*Fifthly.* The right of any organism to live, grow, and perfect itself carries with it the right to do every act which, according to its lights, conduces to those ends. The powers and rights of internal government, of reward or punishment, of stimulus or suppression derivable from the general right and consequent duty of

[1] In 1801, when a treaty of peace was concluded with England, Cambacères said, "Now we must make a treaty of commerce, and remove all subjects of dispute between the two countries."

Napoleon replied, "Not so fast! The political peace is made; so much the better. Let us enjoy it. As to a commercial peace, we will make one if we can. *But at no price will I sacrifice French industry.* I remember the misery of 1786." — *Table-talk and Opinions of Napoleon Bonaparte.* Sampson Low, Son, & Marston, London, 1868.

[2] How great is the booty taken from us by our foreign trade may be partly gathered from the fact that $1,000,000,000 of United States government and other bonds and stocks and private debts are now held against us in Europe, concerning which a mercantile correspondent of the *New York Express*, a free-trade paper, writing on the subject of finance, says that "of our whole indebtedness to foreigners we have not received one dollar in money; every dollar of it was a contribution to foreign industries over and above their contribution to ours; and not only so, but besides all this, we have paid them some eight hundred millions in gold since the beginning of the century."

self-development, are of similar validity to those which are imputed to governments from the war power, but are of wider range. They cannot be limited or strictly defined.

Among the rightful powers of a lawful government over its citizens are certainly included not only the right of general and uniform taxation, but also the right specially to tax certain classes or occupations, and to pay bounties to others for the public good as that may be apprehended at the time. Among such special taxes are those known as excise, while familiar instances of the direct payment of money derived from taxation to certain special classes for their supposed usefulness to the community, are afforded by the army and navy, by surveyors and scientists in the public service, and in some countries by the clergy or priesthood.

If a nation through its lawful government should decide that its security and future prosperity require it to avail itself of its own resources for its needful supplies of iron, sugar, cloth, or salt, and should think it expedient for the sake of attaining that end to levy a direct tax upon all its citizens and pay the same to its producers of iron, sugar, etc., its right so to legislate could not be denied, no matter how much the aptness of the means to the end might be doubted, or how certainly the overthrow of the system by reason of popular discontent might be predicted. Governments, however, practically seek the mildest and most equitable modes of operating for the common benefit, and can in most cases sufficiently stimulate the efforts of their citizens towards a national desideratum, such as the production of an article indispensable to the national existence, by merely guaranteeing to those individuals who will undertake to devote their energies and means to the task, that they shall not while engaged therein be assailed by any other competition than that of their fellow-citizens. Even this expedient of prohibiting foreign competition is in practice seldom or never resorted to, since merely to levy upon the foreigner for the benefit of the State a tax bearing some relation to those taxes which are imposed upon the native, usually proves sufficient; the measure of that tax upon foreigners being the point at which it is estimated, or found by experience, that sufficient domestic energy will be directed into the desired channel.

It is particularly to be observed, that the chief effect of such enactments is after all not upon the individuals at present engaged in any specified pursuit, but rather upon the larger number whose course thereafter is determined to the needful industry by the enactments; and also that those latter come at their own good

pleasure and election from the great mass of the people to try their fortune under the new conditions publicly established for all. That nation acts, however, most prodigally and absurdly, which, after having by its legislation invited its people to undertake certain pursuits requiring large capital and long training, suddenly or greatly alters the established conditions to their disadvantage, thus leaving a considerable portion of its own flesh and blood and substance to perish. The shocks and vicissitudes which must at best be encountered are enough, and the government should endeavor rather to diminish or counteract those inevitable adversities than to increase them; studying always to avoid abrupt changes, and to make with as equable a movement as possible those alterations which experience shows to be fitting.

The patent laws of this country and of most others illustrate clearly enough the right and power of a government to do those things which in tariff legislation are often pointed at as the most unjust and odious. While tariff laws afford only measurable advantage to those who pursue a certain industry, patent laws establish an absolute monopoly; while tariff laws merely set up barriers against the foreign rival, patent laws shut out all, both fellow-citizen and alien; while a tariff law endures no longer than until the temper of Congress changes, or until foreign or domestic influence can be invoked strong enough to bring about a real or factitious adverse public opinion, a patent under our laws holds good absolutely for the definite period of seventeen years. That the objects to be gained by the operation of the patent laws are more desirable or more palpably for the public good, as contrasted with advantage to individuals, than those attained by protective duties, will hardly be contended by any who examine the subject dispassionately. The objects of both are in fact to a great extent the same, being the development of national wealth and strength. The means by which the two classes of laws operate are likewise similar, namely, the offering of inducements to individuals to undertake the needful studies, toils, and risks, by the premium of certain immunities or advantages in case of success. Every feature in the tariff laws which could be attacked as oppressive to the public, as militating against natural rights or as creating monopolies, exists also in the patent laws. If tariff laws are objected to as virtually debarring from certain occupations all but those who enjoy accidental superiority by possessing the domestic supply of the requisite materials, patent laws often shut out the public from entire fields and ranges of investigation and experiment, as well as of industry,

by the exclusive rights they grant. The tariff laws operate most powerfully and directly to bring to our shores multitudes of the most desirable immigrants, while the patent laws have but a very slight and remote effect of that nature. Is it not passing strange that, notwithstanding all this, the principle of our patent laws is almost universally acceded to, while the clamor incited by foreign manufacturers against the principle of our tariff laws finds (mainly, to be sure, among the ignorant) so many credulous listeners.

*Sixthly.* No nation can long subsist unless its government has power to compel the support of its subjects or citizens. A nation is not a mere loose aggregation, the obedience of whose integers may at their own good will and pleasure be refused, for although voluntary choice of the individual citizen or of his ancestors may have been the primary cause of his belonging to his actual nationality and of his subjection to its laws, no fresh exercise of his simple volition can now absolve his allegiance, except the final one of expatriation and surrender of nationality.

Being thus liable to compulsory support of his government, as by taxes, military service, jury duties, etc., the citizen has an indefeasible right to be cared for, protected, and defended by his government. In other words, the principle of mutuality holds between government and citizen as it does in the case of all other compacts; and proportionally to the degree in which individual rights are yielded up or modified, are governmental obligations towards individuals increased. The force and scope of these obligations are, with the advance of civilization, generally becoming more thoroughly acknowledged. Not only must a government at the present day maintain an army and navy to prevent or repel invasion, but it must uphold internal order, by means of police and courts, must encourage, if it does not directly sustain, educational and religious systems, must adopt suitable sanitary measures, and in general do for the common benefit all that requires for its performance the collective effort of the whole community. The question as to the claim of the good citizen for the protection of his government is thus obviously a question of kind and degree, involving merely his right to that specific sort and amount of protection which he may at the moment require; and it is obvious again that the duty and no less the interest of the government are in this respect so broad, that no limit within its powers can be set to either, but the permanent well-being of the aggregate mass.

Of all the duties of a government towards its citizens that of repelling invasions is probably the first and most indispensable.

It must secure them in the peaceful enjoyment of their homes, and in the pursuit, undisturbed by foreign enemies, of the industries whereby they live. Doubtless, any country may be temporarily invaded, but that government which proves unable to resist such intrusions, gives place inevitably to another which, it is hoped, may do better. Finally, if a nation yields to reiterated invasions, they take the character of occupation, and the nation itself succumbs — perishes as a nation, — becoming incorporated with the conqueror, or entering by fragments into other organizations.

In the present day, however, a most insidious and destructive form of invasion is practiced, whereby not the foreign enemy *in propria persona* comes to kill and destroy, but the products of his labor, put into such a form as to draw away from the native that demand for his products, and that nutriment those products should earn for him, upon which his existence and that of his family depend. The foreign legions are trained to attack by missiles launched from their far-distant mines, mills, and factories, and their attack has often devastated homes and districts, and broken up industries as effectually as if the conquest had been effected by warlike weapons. Against such invasions a government which expects to survive is surely bound to afford due protection to those diligent and skillful citizens, its artisans and industrial producers, who are the right arm of its strength. The objection that this argument does not apply to the great class of agriculturists is unsound; for the farmer cannot eat all his corn and turnips, and he must have cloth and tools. He needs prosperous artisans by his side to consume the one and furnish the other, in default of which his crops must rot or be sold abroad for a trifle, and his wants, other than for food, must remain unsatisfied or be supplied by foreigners at a cost in the end ruinous. The farmer's products are in many cases directly protected from the indirect invasions I have named, but even were this not so, he is protected when the miner and manufacturer are protected.

Here I might with propriety, if space permitted, offer proof that suitable protective tariff laws are no burden upon any part of the community, but operate to the benefit of consumers, by ultimately cheapening as well as multiplying products; but this has been so frequently demonstrated, that another repetition may well be dispensed with. Upon the question whether the import duty exacted upon foreign goods is paid by the consumer or by the foreign producer, the "London Economist," a free-trade journal of

high rank threw much light, when in commenting upon the alterations in the treaty between China and England lately negotiated by Sir Rutherford Alcock, itobjected strenuously to the increased duty upon opium, which was one of those alterations. That increase, the "Economist" declared, would stimulate the cultivation of opium in China, and would oblige the English opium-growers of India to meet the increased domestic supply in China by a reduction in price corresponding with the increase of duty.

J. Stuart Mill finds a curious indirect benefit from tariffs. He says (Principles of Political Economy, p. 405) : —

"It may be laid down as a principle that a tax on imported commodities almost always falls in part on the foreign consumers of the commodities exchanged for them, and that this is a mode in which a nation may appropriate to itself, at the expense of foreigners, a larger share than would otherwise belong to it of the increase in the general productiveness of the labor and capital of the world which results from the interchange of commodities among nations."

The measure of protection against foreign trade invasion is stated at its lowest terms by the "Moniteur Industriel," an organ of the French industrial classes, when it demands that upon all products of foreign labor which compete with those of France, import duty shall be levied equivalent to the total of taxes and imposts of all kinds which the French laborer or artisan is required to pay to his government while engaged in the production of similar commodities. This claim, that their government shall not discriminate against them by exonerating their competitors from burdens which it imposes upon themselves, evidently does not cover the extent to which a citizen may in case of need rightfully expect industrial protection.

Among the cases where the claim to a higher degree of protection is valid, may be named: 1. When a desirable industry is to be transplanted and naturalized, involving unusual outlay and risk to the adventurer. 2. When the scale of wages is higher in the country under consideration than in its rival.

Melchior Gioja, who has been called the Colossus of political economy in Italy, lays down a doctrine as to the first of these cases which goes far beyond mere protection by tariff laws. He says: —

"The influence of government is useful . . . . in the concession of public aid by money or credit, to enterprising and capable men introducing new branches of industry, either with or without interest, or upon long terms of payment."

J. Stuart Mill says more moderately on this point: —

"The superiority of one country over another in a branch of production often arises from having begun it sooner. There may be no inherent advantage or disadvantage on either side, but only a present superiority of skill and experience. A country which has this skill and experience to acquire, may, in other respects, be better adapted to the production than those earlier in the field; and besides, it is a just remark, that nothing has a greater tendency to produce improvement in any branch of production than its trial under a new set of conditions. But it cannot be expected that individuals at their own cost should introduce a new manufacture, and bear the burdens of carrying it on until the producers have been educated up to the line of those with whom the processes have become traditional. A protective duty, continued a reasonable time, will sometimes be the least inconvenient mode in which a country can tax itself for the support of an experiment."

The second case must naturally often exist, for, it is impossible that a day's labor will command the same reward in all parts of the world (whether payable in gold or wheat or cloth), without regard to the density of the population, the abundance of the medium of payment, or other varying circumstances. Either then the nation which is so circumstanced as to pay high wages to its laboring people must protect their wages by a commensurate tariff upon foreign products competing with theirs, or it must consent to be debarred from engaging in many of the most necessary occupations, which is absurd. M. Thiers tersely expresses the true principle thus: "Among the most sacred rights is that of the labor of a country to its own markets."

*Seventhly.* Transportation of materials or of commodities is one of the most universal and onerous tasks of society, and one that constantly engages the best efforts of ingenious men in attempts to facilitate it, to lighten its cost, and, when possible, to avoid it.

The latter is frequently impossible, since when one locality possesses one requisite material for a needful product, while a second and third possess the others, as when the ore, the limestone, and the coal needed for making iron are found in different spots, those separated materials must be brought together or the desired product cannot be made. Or, again, when a commodity exists or grows abundantly in one region, while its consumers unavoidably inhabit others, as is the case with coffee and many tropical products, it must be transported or fail of its market. With

many varieties of transported commodities, however, the case is altogether different, and notably when food and raw materials for manufacture are carried away from a country well adapted for manufacturing, to another possessing no greater natural advantages, where they are consumed and worked up into goods, which goods are then carried back to the original locality for a market. Some temporary cause, such as lack of apparatus or skill in that original region, may justify for a time the enormous loss by such duplicated transportation, but as a permanence it is thoroughly wasteful, and cannot, even though dignified by the name of free trade, long endure where human reason is allowed to prevail. The simple device which one people after another are learning — to bring consumer and producer into contiguity, and to cause the societary circulation to complete its circuit so far as possible within their own limits, — lops off great masses of useless toil, and strengthens one after another of the populations who determine to retain their own energies and vital fluids within themselves.

As for division of labor among the nations, that can only take place by each nation consenting to forego certain of the functions necessary to complete existence, and becoming to that extent dependent upon neighbors or rivals. Passing by the argument for political security deducible from this, which has been already considered, and regarding only the broad common welfare of the race, without reverting to the cost of transportation, we must observe that a population dependent upon a single pursuit is exposed to ruin when that single resource fails them, as happened in Ireland and in parts of India upon the failure of their respective crops of potatoes and of rice, in the silk region about Coventry when ribbons were no longer fashionable, and in Lancashire during the cotton famine caused by the southern rebellion. And again, the bodily carrying off from certain spots of the masses of food, wool, cotton, etc., which they are made to yield, is an absolute robbery and impoverishment of those soils, which are thus deprived of the animal excretions and remains of the consumers; while, on the other hand, the spots upon which those currents of raw material are discharged, become so burdened with refuse and putrefying matter that their streams and rivers become mere channels of filth, and only by conveying at great cost into the sea those fertilizing substances which ought to enrich the land is human health reasonably well preserved. The grasping commercial ambition of certain countries, bent upon holding an arti-

ficial and precarious supremacy, does indeed demand division of labor among the nations, retention by themselves of the profitable avocations, and endless transportation of materials to and manufactures from themselves. The well-being of mankind at large does not demand this.

*Eighthly.* "Things will adjust themselves properly to each other if only let alone;" "water must be allowed to find its level;" "the laws of nature should not be interfered with." Such are some of the axioms of that "laissez faire" philosophy whose advocates stigmatize self-protection as the "interference theory of government."

These be brave words, but what are the facts? They are that everything in the universe, so far as we know it, does incessantly act, strive, interfere, and labor to aggrandize and perfect itself; not letting alone anything that it can change. From crystal to planet, even inorganic masses draw to themselves whatever they can reach and assimilate, and build up themselves in symmetry according to the several laws of their own existence; from protozoön to man every organism cares for itself, and converts all around it to its own uses. Coral insects turn sea into land, locusts devastate provinces, beavers dam streams and form lakes, thus anticipating man in forbidding water to find its level without first doing him service.

Man while savage shapes stones into weapons, makes the bark and branches of trees into shelter, boats and implements, destroys animals for his food and clothing, forms tribes, wages war, and in every way possible to him uses his powers to change his surroundings for his benefit. The shepherd selects certain animals which he multiplies by myriads, while he destroys their enemies. The farmer cuts trees, ditches, fences, quarries, builds, ploughs, and plants; and so on at each successive step in civilization, man does but pursue similar ends by superior methods, seeking ever to promote the welfare of himself, his family, his city and nation; ordering and planning, leaving nothing to chance, and not hesitating to prefer and advance his own by all means, even at the expense of neighbor or rival, until checked by the other's ability to protect himself. Does all this concatenation exist, and is it right, and does it abruptly break off when the question comes to be of States, their rivalries and commerce? Shall those stupendous organisms run riot and grow or perish by chance, their several guides or rulers disdaining to devise and plan for their mutual interaction and for their respective advantage?

Not so do great States grow and flourish. Their growth and completeness come from the diligent seeking by each member of his own good, according to laws carefully planned and executed for the welfare of the whole not merging all into a universal phalanstery, nor pretending to care equally for his neighbor with himself, but at the best respecting his neighbor's rights; no member letting alone, but each strenuously converting, rejecting, and assimilating. The whole "laissez faire" doctrine is but the afterthought of people, who having by prior development of force and skill acquired industrial and commercial supremacy, now desire to be let alone in their artificial advantages, and therefore instruct their rivals and victims mildly to acquiesce in the present order of things, to make no efforts and lay no plans for its change, or for their own improvement and emancipation. The "laissez faire" philosophers are not apt to manifest much respect for antiquated wisdom, and yet even they might find a warning in the injunction of St. Paul: "But if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel." 1 Tim. v. 8.

While thus attempting to show the right and the duty of every government to foster and protect its industries, I am well aware that no tariff legislation can or ought to enable a slovenly, stupid, or lazy workman or class of workmen to earn the wages which are the proper reward of intelligent assiduity. I know also that the efficacy of such legislation has limits.

A mill-dam twenty feet high may injure no one and give gratuitous power sufficient to drive a factory or to grind the corn of a township. The dam might in some cases be safely carried up to forty feet and give double the power, though with more danger from accidents and smuggling musk-rats. Raised to sixty feet it would probably drown out the farms above, be of doubtful advantage to the industry below, and would surely burst away in some time of storm, ruining all in its path. What then is the point at which a tariff ceases to be beneficial? Manifestly no general rate can be applied, for many articles, such as most tropical products, and others not existing at home, should enter free, or as nearly so as the exigencies of the treasury will permit; while others should be subjected to various rates, mostly bearing some relation to the amount of labor they have undergone, and modified by reference to collateral or dependent industries, and to the convenience or security of collecting the impost; the whole forming certainly a complex problem, yet one capable of a substan-

tially right and expedient solution when undertaken by persons of sufficient intelligence and fairness of mind.

But again, what class of persons are likeliest to be wise and safe counselors for the general good in framing the laws regulating foreign trade, and thus fixing the terms upon which native industries are to battle with foreign in the home market? The merchant is apt to see nothing and to care for nothing but a flow of trade through his shop, indifferent, so his toll be secured, whether the current is of foreign or of domestic goods, or whether it brings wealth into the country or carries it out; the lawyer, though skillful in giving proper form to an act, is usually deficient in technical knowledge, and therefore liable to errors and to imposition. The farmer can hardly be expected to possess adequate knowledge of commercial affairs; the foreign agent, though hitherto a most active and influential personage in constructing our tariff laws, represents influences utterly hostile to the country, and his presence is an impertinence; the laborer or artisan seldom regards the ground from a high enough stand-point to take in much beyond his own peculiar field, and his views, though clear, lack perspective, and do not sufficiently perceive that his necessary coadjutors, capital and custom, must be invited and not forced. Really the best guides are the most enlightened of the home producers. Those captains of fifties and captains of thousands, who constantly face the foreign enemy and comprehend his strategy, who know thoroughly their own men, the soldiers of the great industrial army from whose ranks many of them are sprung, and who occupy a position intermediate between the foreign competitor, the domestic artisan, the collateral home industries, and the consumers, know better than any others what is expedient and what is practicable. No intelligent tariff legislation is possible without their aid, and though some selfishness is to be expected, yet when brought under the scrutiny of legislators or officials of honest and friendly purpose, they usually make frank and lucid statements of all that is desired.

Though a considerable preponderance of our people favor protective tariff legislation, and generally send to both Houses of Congress majorities committed to that policy, yet numbers of respectable persons, exclusive of the cliques of foreign agents and bankers, and of the masses innocently arrayed against protection by insidious appeals to their selfishness, look for obvious reasons upon the process of tariff making as usually practiced in Washington, with suspicion and aversion. When the tariff question is

opened in Congress, no matter whether the proposed changes are great or small, every interest which is less prosperous than it would wish to be, and which possesses the means of reaching a Congressman's ear, has the right to offer amendments to the act under consideration. Some, counting upon a suspicious and cheapening reception of their grievances, purposely exaggerate them. Some industries are so important and influential, that Congressmen hoping for reëlection are tempted to listen to them to the exclusion of those which are smaller or less pertinacious, and more favorably than comports with a scrupulous regard for the common welfare. The agents of foreign industries strive to warp legislation for the gain of their employers by appeals to local, political, or personal jealousy, by persuading individual Congressmen that their superior intelligence should lift them above the fogs of American nationality into the perspicuous English atmosphere of free trade, by absolutely false or misleading statements upon apparently respectable authority, by every art of social beguiling, and finally in some cases it is to be feared, by the direct use of money.

Less favorable circumstances for a dispassionate and intelligent study of a most difficult and knotty question, involving endless details and the most widely extended consequences, can hardly be imagined. That our legislators should under such auspices usually perform their task so honestly and well as they do, should enact so few absurdities, and cling so fast in the main to sound policy and reason, is indeed creditable to them, though not to the present system of tariff legislation.

Besides the objections to that system which have already been mentioned, is the important one, that it renders almost impossible the establishment of a new industry, unless of such a nature that its product falls within some classification already protected by a sufficient duty. Many industries new to this country should yet be introduced here, but how can it be expected that competent persons should come forward able and willing to devote the means and toil needful for that purpose? They know that it is not the practice to modify the tariff for single interests, but that one must wait until all the ponderous machinery of a general revision of the tariff can be set in motion, and committees, both Houses of Congress, and President be brought to assent to many hundred separate propositions; the foreign monopolists, whose profitable trade with this country is to be interfered with, having in the mean time every opportunity to befog the question, and to starve out the unprotected American adventurer by lowering prices. Some

prompter method should surely be devised for extending to new and deserving industries at least such measure of protection as the general policy of the government at the time may dictate.

Beyond all this again lies the absurdity of burdening Congress and obstructing legislation by crowding in upon it such a mass of undigested technical and commercial questions of which so very few members have any distinct knowledge. It is swamping our court of last resort with all the cases which ought to be mostly disposed of by something comparable to the Common Pleas and Quarter Sessions.

To propound a remedy for this condition of things, setting forth in detail the machinery of a better system, would evidently lead me beyond the proper limits of this paper, yet some indication of a better plan may be briefly given.

Let a permanent Commission of Customs be created, or a separate bureau erected in the Treasury Department, charged with constant oversight of the changing conditions of trade and industry, and especially with watchfulness for the introduction or naturalization of industries new to the country, whether such are actually undertaken here or are merely seen to be feasible and desirable. A permanent commission is preferable to a bureau, as being more independent, and of wider scope, and therefore attractive to a higher order of capacity. Let the Commission be composed of at least three persons, of whom one should have practical experience and wide knowledge as a manufacturer, and another should have acquired thorough acquaintance with the actual machinery and practice of collecting customs, by intelligent service in a custom house; knowledge of tariff legislation and precedent in this and other countries is also essential. Let them be empowered to hear during recess of Congress all representations of parties desiring changes in the tariff, and to travel from place to place for the purpose of more thorough investigation. Let them hear all cases of conflicting claims or interests in regard to customs rates, and have power to summon witnesses. Let no tariff legislation be introduced into Congress except from this Commission, which should make at the beginning of each session of Congress a report accompanied by a form of law, the latter embodying all changes they deem desirable, and the former giving as briefly as possible the reasons therefor, and a general view of the situation. Let them have power to make and enforce all the needful regulations for carrying into effect all laws relating to the imposition or collection of import duty. The larger powers possessed by the English Commissioners of Customs, which extend to the alteration of tariff

rates, could scarcely be granted with safety to such a commission here.[1] During the session of Congress let the Commission reside in Washington, and sit permanently within certain hours to take cognizance of matters arising after the sending in of their Report, and to attend at the call of any suitable committee of Congress, for the purpose of receiving suggestions, giving needful explanations, hearing and obviating objections, etc.

Such a commission, consisting of sufficiently intelligent and honest persons, resolved upon promoting by the means confided to them the welfare of their own country — exercising their powers with sympathy for both producers and consumers, not favoring any selfish rapacity, or any slovenly manufacturer, nor endeavoring to preserve any establishment which by the march of industrial science has become antiquated, and holding themselves well in check by a strong sentiment of conservatism, refusing any change except for very sufficient reason — would command the confidence and cordial coöperation of nearly all the American interests which would be affected by its action. It would relieve Congress of great masses of the most annoying legislation very much as the Court of Claims has operated in another field, would lighten the duties of the Treasury Department somewhat as has been done by creating the Commissioner of Internal Revenue, and would give a most desirable stability to our tariff system.

It may be said that much of this was contemplated in the creation of the Revenue Commission, at first consisting of Messrs. Colwell, and Hayes, and afterwards continued by Mr. Wells alone; but that Commission had a range of duties too wide for the purpose now under consideration, and had insufficient powers and authority. The reduction of its numbers from three to one seems to me to have deprived it, perhaps inevitably, of the confidence which is naturally felt in the concurrent decision of several persons, and thereby to have curtailed its usefulness. The establishment of that Commission was however a step in the right direction, and the experience gained through its good work and its mistakes, should greatly facilitate the establishment of that better system of preparation for tariff legislation which seems to me so urgently needed, and which should remove this vexed question forever from the arena of mere political strife.

[1] Of course the tariff laws are now enforced by the Treasury Department, yet evasions are occasionally practiced with success by urging plausible but erroneous constructions of those laws, or by taking advantage of technical doubts, whereby the Treasury is robbed of large amounts, and the American manufacturer deprived of the intended protection. It would seem reasonable that those who frame the laws could best detect and prevent this class of errors and wrongs.

# VON MOHL ON DIFFERENT MODES OF FILLING OFFICES IN THE CIVIL SERVICE.

Read at the General Meeting, Philadelphia, October 27, 1870. By Brinton Coxe.

The following paper is intended to contain a condensed but faithful review of the treatise of the eminent German publicist, Von Mohl, upon the different modes of filling the offices of the civil service. The interest which the American Social Science Association has constantly felt in civil service reform has led the writer thus to bring before its consideration the best treatise upon this subject in the German language which has come to his knowledge. It will be found upon pp. 347–393 of the third volume of Herr von Mohl's Collection of Monographs upon Polity, Political and International Law, and Politics, entitled: "Staatsrecht, Voelkerrecht, und Politik;" Tübingen, 1860–1869.

Robert von Mohl was born at Stuttgart in Würtemberg in 1799. The family is a remarkable one, his three brothers, Julius, Hugh, and Maurice being all distinguished men, the first as an orientalist, the second as a botanist, and the third as a political leader and economist. Robert von Mohl's high rank as a publicist is the result of a life devoted both to political science and to practical politics, and he is well known not merely as a writer, but also as a statesman. For many years a professor in law and political economy in the University of Tübingen in his native State, and afterwards in the University of Heidelberg in Baden, his lectures have been attended by students from all parts of Germany. He has occupied different public positions in Würtemberg and Baden, and was Minister of Justice of the German Empire in 1848 and 1849. He is now the diplomatic representative of Baden at the Court of Bavaria. When it is recollected that the Grand Duchy of Baden has been the most ardent of the South German monarchies in bringing about the restoration of the German Empire, while Bavaria, though the largest and most powerful of the southern states, has been the most reluctant to enter the imperial union, it is evident that Herr von Mohl must have played an important part in the recent unification of Germany. The recent sale

of his library to Yale College would seem to show that he has retired from a professor's career.

Of his various writings, the following may be mentioned here: A General Introduction to the Political Sciences (*Encyklopaedie der Staatswissenschaften*), 1859; The History and Literature of the Political Sciences (*Geschichte und Literatur der Staatswissenschaften*), 1858; The Science of Administration on the Basis of Jurisprudence (*Die Polizei-Wissenschaft nach den Grundsaetzen des Rechtsstaates*), 1866; and finally the Collection of Monographs mentioned above.

§ 1. *Of the Different Modes of Filling the Offices of the Civil Service.*

In the modern state the offices of the public administration may be filled in three fundamentally and essentially different ways: first, by a systematically organized body of professional officials appointed by the government, either with or without a legally secured tenure of office; secondly, by officials chosen by election upon either a democratic or an aristocratic basis; thirdly, by intrusting local offices to unpaid volunteer officials upon the principles of the institution of local self-government in either its aristocratic or its democratic form. Other methods are possible, as, *e. g.*, the confiding of public offices in a theocracy to the clergy, or their connection with the possession of land in a feudal state, or again, their acquisition by purchase or inheritance. These methods of filling offices, however, have either become obsolete or exist only exceptionally, and need not detain us in this essay, which is confined to the discussion of the wants of modern government.

§ 2. *Of professional Officials appointed by the Government. Of the Professional System in General, and its two Modifications, — 1st, where the Offices are held by a legally secured Tenure of Right thereto during Good Behavior; 2dly, where no such Right exists, and the Offices are held merely during the Pleasure of the Appointing Power.*

The transaction of public business by *professional* organs of the public power is in most States of the present day the most frequently occurring system, for it exists even where others are in part used. It is, however, necessary to bear in mind that this system is found in two distinct forms, the difference between which depends upon the question whether the public officials do or do not possess a legal right to retain their places during good behav-

ior, and a legal claim to pensions for themselves or for their families in cases of old age, sickness, or death. Nothing can be a greater error than to suppose that this fixity of tenure is a subordinate question. The whole character of the institution is changed according as one or other course is adopted in this respect.

### § 3. *Of the Nature and Effects of the Tenure of Legal Right to Office during Good Behavior.*

Where a tenure for life and proper pensions are secured incumbents as a legal right, the difficulty experienced by the government in filling offices is of course much diminished, for the State service is then a regular profession attracting many good men. Under such circumstances the public administration naturally becomes a fitting career for intelligent, honorable, and diligent men instead of being the means of satisfying the demands of indolence, corruption, selfish ambition, and favored incapacity. A man of worth can thus devote himself to the public service without feeling that he has neglected what is due to himself in his old age, or to his family after his death, and can expend time and money in educating himself for office and in fitting himself for promotion. Even when the present remuneration does not admit of his immediately providing for a family, a just expectation of advancement and of increase of pay will give him the prospect of doing so, and he will besides have a legitimate satisfaction afforded him from the consciousness of participating in the public power. On the other hand, in return for so many benefits, the State can with confidence rely upon the character of its servants, exact from them every exertion which may further the public business and advance the public weal. It can forbid their having any private occupation outside of their public duties, and demand that their whole time shall be devoted to the cares of office. A fitting preparation can be required of all candidates for place, and discriminations can be made most easily and effectively between the higher and lower grades of officials, and between the qualifications and capacities exacted for the different branches of the public service. The legal right of security in office must in all cases, however, remain intact.

Many important consequences follow the adoption of such a system of secured tenure. These are in the main of a favorable character, although not altogether without an admixture of others less advantageous. On the good side of the account the following considerations may be mentioned as requiring notice. First, the State can require from all the officials so appointed the general as

well as the special qualifications necessary for the good of the service and the policy of the government. It can demand from each official the acquisition of proper theoretical knowledge before taking office as well as prescribe the course of general education which youths intending to embrace the profession must follow. Examinations, periods of probation, the preliminary discharge of the duties of certain subordinate posts, the order in which officials shall pass from one branch of the administration to another, and other measures for elevating the standard of the service, can readily be adopted. When such regulations are wisely made, a civil service can be constituted which shall consist of trained, skillful, industrious, and zealous men, occupying a distinguished place among their countrymen. Even in constitutional governments where the people or the parliament have the nomination of ministers of state or other highest officers, and where consequently many of the most able public men may not choose the career of appointed officials, a high standard of appointees and a good administration of public affairs can be secured. A second advantageous circumstance is a great uniformity of thought, of views concerning political and social life, and of customs in and out of office on the part of officials. The similarity of their education and of their whole official career necessarily produces such an effect. It is apparent that such an agreement of opinions and uniformity of conduct must have a good influence upon the despatch of the public business and the working of the government. Errors and omissions will be diminished in number, and the chiefs of departments will be able instinctively to appreciate the operations of their subordinates in any part of the country. It is perhaps necessary for the reviewer here to call attention to the importance of this uniformity in the administration of government, a thing which must exist to a certain extent under all systems, but which is secured to a great measure in America by the litigious interference of the courts of justice in administrative affairs. While the existence of such powers in the judiciary has been generally found to be in the highest degree conducive to the all-important interests of liberty, it is evident that delay and expense must continually be avoided by any system which diminishes the chances of conflicts and disputes between the public officials themselves.

Thirdly, it is a most prominent merit of the system we are discussing that it makes practicable the existence of a thoroughly constitutional obedience on the part of officials. Their legal security of tenure in office enables them to refuse to take part in the exe-

cution of unconstitutional and illegal orders, while obedience to such as are legal is unavoidable. Such a refusal based upon valid grounds and made in proper form can entail no removal from office, as such a measure could only take place after trial according to law, a proceeding which could have no other than a favorable result to the resistant if the order in question were unlawful. On the other hand, where the government has law on its side, it has ample means of insuring the necessary obedience in the power of removal for cause after trial and condemnation. There need be no fear that in doubtful cases the right of refusing obedience will be too frequently resorted to. On the contrary, the danger is of an opposite character. For us in America, it may be observed that there is no more important consideration in connection with the establishment of a legal security of tenure than the foregoing. The one great reason which has led our people to keep up that frequent rotation of offices, which is based upon the absence of such a security of tenure and upon the fullest power of removal on the part of the appointing authority, has been the fear that the body of the public officials might in certain contingencies be the most efficient means of endangering the liberties of the people by the execution of the unlawful commands of their superiors. Should, however, public opinion come to the conclusion that a legal right of tenure would further the independence of a standing body of officials to such an extent as largely to counterbalance any anti-popular class feeling which might be engendered by permanency in office, the probability of the abolition of the principle of rotation would be enormously increased.

Fourthly, it will be found in many cases of great advantage to the public weal that a body of professional officials cannot make any very great difficulties against carrying out legislative changes or administrative reforms. Such necessary power the government has here over its agents, for it is not in the nature of a "bureaucracy" to renounce its profession. The obligation of legal obedience will certainly not be disregarded by more officials than the government can replace by others of the same branch of the service who possess the same qualifications and training as those resisting such reforms. Such difficulties may readily occur where a different system exists, as for example where public office is assumed as a side business for the security of the official's own interests or those of his class, and not for pecuniary remuneration.

Lastly, it is an essential advantage of this system that whenever the proper spirit animates the appointing power, the relatively best

man can be secured for any vacant post. In ordinary cases it can hardly be possible for a fully incompetent man to be appointed, for the preliminary requisite education, the examinations, the probation of beginners, and the critical knowledge of the services of former incumbents, all must prevent it. The often mediocre or foolish results of local and party elections can find here no place. The selection is not limited to the inhabitants of a particular locality or the members of a particular class. On the contrary, the choice may be made from all those officials in the financial or other branch of the service to which the vacant office belongs who have not been promoted to higher posts. It will be easy not only to avoid making indifferent appointments, but also overslaughing or forgetting deserving members of the service. It must, nevertheless, be remembered that all these measures do not furnish a full guaranty against errors in filling places demanding peculiar qualifications of mind, and especially character. These cannot be ascertained by examinations, nor often by the experience of "previous" service. But even in such difficult cases the selection from a professional body of well-known men must give better results than any other possible principle of choice.

It would, however, be very partial to dwell only on the foregoing advantages of confiding the public business to professional officials possessing a secured tenure of office. Like everything in the world, such an institution has its dark sides. Of these disadvantages the following must be mentioned. In the first place, the costliness of the system is a thing which is unavoidable and inherent. Whenever a man is burdened with the business of a public office, he must have either an important private interest at stake, or must be adequately paid for his labor. In this case the reward cannot be a small one. The expenses of the preparation for the profession and of the preliminary period of the official's career represent an amount of capital in return for which the subsequent salaries must produce not the mere interest, but the annual amount of a life-annuity equivalent thereto, over and above the regular remuneration for the annual labor. The social position of a public official likewise involves expenses which must be borne in mind. It is evident that if these considerations are not given their proper weight, the effect must be to drive the most desirable recruits away from the public service in this age when the prodigious development of industry affords such lucrative rewards for men of talent. Again, it cannot be denied that the discipline in such a civil service and the constant influence of superiors upon

inferiors may have a bad effect upon the character of the latter, and that it does actually have such an effect upon the weak and the over-ambitious. The more such influences are misapplied, the greater the danger of a servility in the civil service, injurious to the interests both of the community and of individuals. It cannot be denied that, when this occurs, the government has a powerful means of executing its arbitrary will and of circumscribing the lawful freedom and development of the people. Then it is that the power which has been obtained by intelligence and organization for good will be applied to evil purposes. Furthermore, it is not merely possible and probable, but experience has shown it to be certain, that in many cases such life-long professional officials grow into a mere thoughtless routine, and their occupation from an intelligent profession degenerates into a dull trade.

Finally, it is possible, happily not necessary, that a systematic corruption may permeate a civil service. This can be of different sorts. The mildest form which corruption can assume is that which consists only in idleness and shirking work, when the official does not give his whole time and powers to his duties, but devotes himself partially to private affairs or pleasure. This evil, when developed, naturally causes great delay in the public business and frequently leads to a large increase in the number of employees, a consequence which either raises the cost of the service unnecessarily or reduces salaries to an injurious level and degrades the standard of the official body. It is of course much worse when the corruption consists in actual bribery. This is a source of innumerable evils and a curse upon the people and the government, whether it originate in too great parsimony as to salaries or any other cause. Justice and right are then sold to the highest bidder, and offenders buy impunity with money or a share in the plunder; false documents and evidence are bought and sold; just complaints are only attended to when paid for; public funds are embezzled, and as a consequence important measures depending upon them are often unexecuted; exorbitant prices are given by government for wares of inferior quality; the public property is stolen, falsely estimated and falsely accounted for, and the whole administration becomes a system of fraud, lying, and cheating. The removal of any kind of corruption, and especially bribery, is always difficult, even with the best intentions on the part of the superior authority, especially so when the evil is extensively and deeply rooted, and when there are many persons whose interest it is to assist offenders and obstruct the operations of justice. Individual cases of

punishment, no matter how severe, will not suffice to remove the evil. Nothing but an iron will, and an untiring perseverance, and above all the removal of the original cause of the evil, whatever it may be, can be efficient. Whenever any one of the foregoing bad sides of the system has been developed to any considerable extent, it necessarily follows that the whole service must correspondingly lose the respect of the people. In some cases, especially in that of a great frequency of bribery, the official body must be regarded with bitter hatred and deep contempt by the public. Not only will the moral power of the state be then diminished, but honorable men will avoid a career thus degraded in social estimation, and as a consequence the miserable condition of the service will grow worse and worse.

On the whole, however, after considering both sides of the question, it is not difficult to give a favorable judgment upon the system of administering the public business by professional officials with a legal right to their offices. The institution is a practically useful and judicious one, calculated to secure an educated and experienced body of officials and a uniform and regular dispatch of business, giving a certain amount of security against arbitrary and illegal acts of the ruling power, while at the same time compelling the necessary obedience of subordinates. In the greater number of cases it has been proved to work excellently, and it is everywhere applicable. On the other hand it is expensive, capable of degenerating into thoughtless routine and perhaps great corruption, and requires constant vigilance against the decay of its efficiency.

### § 4. *Of the Nature and Effects of a Tenure of Office during the mere Will of the appointing Power.*

We come now to the consideration of the system in which the public affairs are administered by professional officials who, though regarding office as a means of support and as a regular occupation, have no legal security of tenure, and as a natural consequence, no legal claim to pensions for themselves or their families in cases of old age, sickness, or death. It is clear that this inferior position of the public officials must have many important consequences. Care must be taken, however, not to judge too quickly or generalize too easily, for experience has shown that this system can be and actually is applied in practice in very different ways. For example, in France removals from office in fact occur only in certain higher

posts, and then mostly on political grounds,[1] the mass of the subordinate officials as a rule remaining unmolested and pushing their way upwards through the different grades of the service. On the other hand, in the United States, after every change in the Presidency, a general removal is made of all administrative officials without any respect being paid to previous services or individual convenience. It is not the rule but the exception for any incumbent to hold over, and when such a thing does occur, it is owing to luck or accident and not to merit. The American and the French systems, though based upon the same legal principle, are therefore so different that each requires a separate consideration.

### § 5. *Of the French (Imperial) System of Officials.*

In the French system continuance in office exists as a matter of fact though not as a matter of right, to such an extent that the public administration is looked upon as furnishing a regular career. Promotion according to seniority and the like considerations, and even certain kinds of pensions, though not legally secured, exist in practice. As a consequence the state can exact a certain preliminary education, which however generally consists merely of collegiate studies, although for certain posts a legal training is required. There remain, however, unavoidable evils. There exists no legal security against removals from office in cases in which no breach of duty has been committed, and subordinates are subject to political demands which make them the objects of dislike in private life. There is always cause for a feeling of uncertainty. The higher posts are either filled on political grounds, or are distributed among the limited number of functionaries who have entered the civil service through the Council of State. In consequence of all this there exists no scientific professional training, a thing which would indeed rather increase the hardship of arbitrary removals. Institutions for a systematic training of public officials are wanting. The effect of this absence of training upon the higher officials is to encourage a great deal of mere routine and meaningless formality in the administration. Many of them too are not familiar with the duties of the subordinate grades, in which they have never served. Under this system the whole body of officials is looked upon as mere partisans of the party in power, and the subordinates are prevented from acquiring social prestige by the known dependence of their position, by their defective education, and by the difficulty of promotion. Where there

[1] These observations were made in 1869.

are no legally prescribed prerequisites for an office, arbitrary and bad selections are frequently unavoidable, and all kinds of favoritism have a large field, much to the injury of the moral character of the service. The dependence of the officials, however, appears most clearly and most injuriously in their professional conduct. Where no security against arbitrary removal exists, they must make themselves agreeable personally to their superiors and politically to the government of the day. Even if a legal and constitutional obedience were theoretically recognized in the French law, a thing which is not the case, it would have no real existence. The whole service readily yields an unconditional obedience to all orders whatever, and acts unitedly in politics as has been seen in the case of elections. While this gives the government power to carry out measures otherwise impossible and which may sometimes be good ones, on the other hand, it encourages obedience to the orders of a usurper or any illegal *de facto* authority, and is one of the causes of the ease with which revolutions have been made in France. Thus, as long as a government exists it is too powerful, but so soon as it is upset by a lucky blow at the capital, the new power can extend its authority over the whole land.

§ 6. *Of the Official System of the United States of America.*

Whatever may be thought of the French system of filling the public offices, it is certainly better, our author thinks, than that which exists in the civil service of the United States of America. The frequent changes of the whole body of administrative officers of the government of the Union has produced consequences of the worst kind, and of which Europeans have hardly any idea. Where office can only be obtained by a lucky accident, and where expertness is not at all required, it is useless to expect any regular education for the civil service. Electioneering services, and not capacity, are the reason for which office is conferred. The only purpose for which office is sought is that of pecuniary advantage, which is not always the mere legal salary, but the profits of corruption. Public offices are, as the horrible phrase of the country describes it, "the spoils" of the victor. It is well to recollect that the struggle of parties in America has assumed so bad a character that most honorable men keep out of politics. Elections are managed by the "politicians" by trade, and the name itself has become a term of reproach. Fortunately, the general government has only certain branches of the public service confided to it, the rest being cared for by the several States. It is not too much

to say that the civil service of the United States government is a venomous cancer in the body politic, the extirpation of which is as necessary as it seems impossible. Without doubt, life in the United States affords advantages which hardly any other land can show, and we can hardly measure the progress of their future; but there are evils there which demand correction, none of which are worse than the whole condition of the general civil service.

We may ourselves observe that the foregoing criticisms are severe, but cannot deny that the author's observations show a familiarity with American politics remarkable in a foreigner, nor that many well-informed Americans hold the same opinions. At the same time, on the other side of the account, it may be said that there are a certain number of highly honorable officials in the service of the United States, that the cabinet officers have in the main been free from corruption, that the judicial appointments of the general government (which Mohl however does not here refer to) have on the whole been excellent. Above all, however, it must be borne in mind that rotation in office, even when run mad, prevents the possibility of the establishment of a permanent class of oppressors and tyrants who pass their lives in doing evil to the people whose labor and property support them. Even if native-born Americans had been inclined to forget the danger of such a class of foes being established in any political household, there have been emigrants enough from abroad who have arrived here with their hearts filled with a hatred of bureaucratic government, for rotation not to have a strong support as being at least the choice of evils. Whether the evils of this principle have not at last become intolerable, and whether some early and thorough remedy must not soon be found, is of course the great question. It is to assist in its solution that the present review has been written, in the hope that its contents may be of service to the numerous thinkers who are now studying the subject, whatever may be the results to which their investigations may eventually lead them.

### § 7. *Of Elected Officials in General.*

Another principal mode of manning the public service is where, in either an aristocracy or a democracy, the more or less numerous body in which the sovereign power resides, elects its officials from among its own number. In these two cases, however, the nature and effects of an elective system are very different. A few remarks will suffice for the considerations connected with a pure aristocracy (*e. g.*, the former Republic of Venice), it being a form of government not now existing with peoples of European origin.

§ 8. *Of the Elected Officials of an Aristocratic Government.*

In an aristocracy it is a political necessity that all the higher and more influential offices should be filled by members of the governing corporation. Subordinate offices can be filled from the class of subjects of the aristocracy, and for these a system of professional officials or any other proper one can be adopted. For the higher posts the case is different. For them, membership in the governing body is the most important qualification. Formal professional tests would be inapplicable to a body so restricted as to furnish but a limited number of candidates, and the general political education and experience of the aristocratic class is, as a rule, the best training practicable under the circumstances. These higher officials should be chosen by the general assembly or council, for their nomination is an act of the supreme power which should be performed by the depositary thereof. The terms of office should be short, first, because a dangerous irregular power might be generated by the long possession of such places, and, secondly, because as many members of the governing class as possible should have actual experience in public affairs.

§ 9. *Of the Elected Officials of a Democratic Government.*

Democratic elective officials are, however, of much more importance for our purposes than those of aristocracies. This subject is one which requires full consideration, not merely because democratic States exist in Europe and America, but also because in States of a different constitution there is to be found a very pronounced tendency toward the development of popular rule. It is therefore a matter of great interest, if not of duty, to ascertain both the merits and demerits of every element of this form of polity, one of the most important of which must be the arrangement of its official system.

Before going further some preliminary observations are requisite to prevent the possibility of the subject being misunderstood. First, the grant of offices for short terms may be laid down as the actually existing state of things. It is true that short terms are not necessarily inherent in the idea of a popular government. We can conceive of long and even of life terms being given by the popular vote, but elections recurring at short periods, at the furthest every few years, are the usual and in fact the correct rule. Where the popular will concerning appointments to office must necessarily be directly expressed — a thing which is to be laid down as an un-

doubted axiom for a democracy — a frequent election of officials must be made, for the will of the people may easily change as to any matter of government, and especially so in regard to such as involve questions of persons. Besides, too, it is possible that in a popular polity the long possession of influential offices may afford ill-disposed and ambitious persons opportunities of obtaining dangerous power. Secondly, it will be understood that, as a matter of course, popular elections include not only such officers as are elected by the whole people, but also those of small districts which are chosen by the inhabitants thereof. These latter are not only the most frequent examples, but also those best suited to the peculiarities of the democratic system. Elections by the whole people are indeed possible, but the scale is such that their preparation and practical working must be always difficult in any but small States. As a rule, they can only be adopted for a few of the most important offices, and the government thus constituted must fill the other places in the central administration. This may be done by different methods of appointment, good or bad, all of which must however detract from the democratic character of the whole system. In the following remarks reference will only be made to the offices filled by popular elections for the whole country or large or small districts, those appointed by the higher officials falling under one or the other systems already referred to. Finally, it is obvious that in a democracy offices may be filled not merely by the people themselves, but also by representatives chosen for that purpose, just as the public power may be exercised by the assembled people directly (if the State be small enough) or indirectly by their representatives. Such a mode of election contains nothing repugnant to a democratic polity, although the method of direct election presents most clearly the characteristics of democracy, and the following remarks will keep it principally in view.

The good effects of popular elections in filling offices are as follows. In principle it is on every ground correct that the sovereign people of a democracy should choose its officials. The nomination of its own organs is essentially a function of the sovereign power, which in this case is the people. So, too, it is politically necessary that the servants of a government should not be opposed to the political tendencies of the sovereign, whether prince or people. A second advantage is that the officials represent and express the opinions and sentiments of the existing majority. This is not the proper place to go into the general question of the merits and defects of governments of the majority. It must, however, be recollected that de-

mocracies are such governments, and that the details of their organization cannot practically be arranged upon any other basis. Where short terms of office are adopted this advantage can nearly always be secured. A third advantage is the cheapness, for, compensation upon a basis of republican simplicity for the time taken from private affairs is all that is requisite. Claims for pensions and remuneration for a life devoted to the public service find here no place. Again, it is not to be forgotten that officials so chosen from the ranks of the people to which they must soon return, cannot fall into the oppressive conduct of a haughty official class. Finally, it is to be observed that an official chosen by popular vote runs little danger of being placed in the position of being forced to yield obedience to orders that are illegal or contrary to his political convictions, a thing which would degrade him in his own estimation and that of his fellow-citizens. He is necessarily a member and an organ of the majority himself, else he would never have been elected, and his agreement with it necessarily proceeds from choice and not from that servility which may occur under a different system. Where a change in the state of parties takes place during an existing term of office, it is true that a collision of opinions may occur, but such a condition of things cannot last long where the tenure is a short one, and may sometimes readily be avoided by the resignation of the temporary employment.

But the filling of public offices by popular elections has also its dark sides. In some respects at least, the system presents so great a mixture of evil with good that there are great doubts as to what must be the final judgment to be pronounced upon it, and there can be no question that it produces certain deleterious effects not only where the public morals are corrupted, but also where they are in the main sound. Thus, for instance, it is perfectly possible that in certain cases the best man may be elevated to office by popular election much more quickly than by promotion in a system of standing officials, and that too, before he has passed the zenith of his usefulness and without his efficiency being injured by an excess of routine. The doubtful chance, however, of such a thing occurring is purchased at the expense of the absence of any system of education for the public service, and of any security for candidates possessing proper qualifications. While thus a man of extraordinary and well known qualifications may perhaps on occasion be chosen for a post of importance, it can only be for a short time, and the great portion of the officials must always be selected without previous tests or proofs of their fitness. Qual-

ifications limiting the will of the sovereign people and long preparation for offices of short terms necessarily present peculiar difficulties. In this case we can do nothing but rely upon the discrimination of the people and upon a certain general familiarity of candidates with political affairs which democratic institutions are calculated to give.

The following sides of the system are undoubtedly disadvantageous. The frequency of the elections give rise to great public disquiet and violent party struggles, especially if there be little difference of numbers between the majority and the minority, and political feelings run high upon the issues of the day. It is true that such struggles are inherent in a democracy, and that the minority of a thoroughly trained political people may quietly acquiesce in the judgment of the majority, but the frequency of such civil tempests is not necessary to true civilization and may injure the material well-being by exciting evil feelings or engrossing the people in political excitement. It is also undeniable that electioneering intrigues may be pushed to immoral and indecent extremes, even where the public morals are otherwise sound. More than any others are the candidates for office involved in such intrigues, and the effect upon them may perhaps be considered as counterbalancing the charges of servility so frequently made against the civil servants of a monarchy. Furthermore, canvassing for office has not only a bad effect upon the elected, but also upon the electors. The people have their courtiers as well as princes. The temptations of candidates to sacrifice independence and character in order to please the people by agreeing with their opinions and pandering to their passions, are often great, and where this occurs the people in their turn may become as much corrupted by the flattering intrigues of demagogues as princes by those of courtiers. Still greater are the evils when a decided corruption of political morals has grown up in a democracy. Under such circumstances popular elections may become a very plague upon the land. When mobs guided by unprincipled leaders take the matter in hand, when a low newspaper press goes to every extreme of falsehood and shamelessness in misrepresenting the public and private life of opposing candidates, when general bribery and the plunder of the public funds become means of electioneering, it necessarily follows that educated and honorable men not only refuse to be candidates for office but even abstain from taking any part in elections. When this takes place the care or rather the profits of the public business fall into the hands of the

worst and most degraded part of the population, and a state of things may very readily arise in which no cure can be found but a recourse to measures of violence. Even then, such measures besides being dangerous may be of doubtful success.

As far as this method of filling public offices is concerned and isolating it from other questions of polity, our author holds it to be no monarchical prejudice which leads him to give those systems which are usual and possible in monarchies a preference over the democratic institution of elections, and especially so where the latter has fallen into the state of corruption above described.

It has been remarked above that offices may be filled in a democracy by elections made not by the people but by their representatives, either chosen specially for that purpose or as members of the ordinary representative assembly. At the first blush it may seem as if there was much to commend in this plan, but on mature consideration it will be found that it has in practice a limited range of application, and is liable to certain peculiar disadvantages. In a democracy the people are little inclined to part with the exercise of their own power, and will only consent to do so when forced to it by the difficulties of a direct election. Such difficulties can only occur as to the choice of officials for the whole country, and not as to the far greater number of those chosen for local offices. The election of representative electors must likewise be attended with the same disquiet and trouble as one directly for the office itself, and can only be applied to a few of the highest posts in the administration. A standing electoral assembly for the selection of all the officials of the central administration would be expensive, dilatory, difficult to work, liable to get into collision with other branches of the government, and has in fact never actually existed anywhere. If such functions be imposed upon the regular political representative assembly, the effect must be to injure the efficiency and freedom of action of the chief officials of the government and practically diminish their responsibility, since their subordinates would feel themselves dependent not upon them but upon others. Besides too, such functions would frequently interfere with the other and the ordinary business of such an assembly, and would without doubt be in effect confided to committees, a course which would endanger if not defeat the whole purpose of the constitution. Added to this, it must be recollected that such assemblies are not always in session, so that time must frequently elapse before vacancies can be filled. These difficulties have ever been felt so clearly that all representative

democracies have preferred to leave the nomination of subordinate officials to the executive power, notwithstanding the fact that such a plan accords little with a democratic polity. As a matter of fact, the nomination to administrative posts in democracies by indirect instead of direct elections has been limited to the cases of but one or a few of the chief officers of state, and also to a right of confirmation of certain appointments by a division of the regular representative assembly. As to the indirect elections, it need only be remarked that the consequences are substantially the same as if they were made directly by the people. The right of confirmation in a representative body is, however, rather to be regarded as a constitutional control over the higher magistrates of a republic than as the delegated exercise of the sovereign power of the people. At best such a confirming authority must be considered a two-edged sword, for while it may sometimes be used to counteract evil in the magistrate, it may at others be used to weaken and interfere with the proper exercise of the powers of government, and to give a wide field to the evil passions of party strife.

§ 10. *Of the System of filling Local Offices under the Institution of Local Self-government by unpaid Volunteer Officials.*

A third principal method of filling public offices is that pursued under the institution of local self-government. Under it the administration of local affairs may be intrusted to such persons as have an interest in the proper management thereof, and who are willing to assume the corresponding offices without remuneration. Such unpaid volunteer officials may be either appointed or elected, but the peculiarity of the institution does not lie in the mere mode of nomination, but rather in the qualifications of the officials and their relations to those whose affairs they administer.

The control of purely local affairs by the local aristocracy or democracy through unpaid officials, rewarded only by the social or political advantages accruing to the public business of the local community in which they live and consequently are most interested in, is the key of the system.

As has just been hinted, this institution may be of an aristocratic or a democratic form. In the former case the officials may be selected by the government (*e. g.*, the English justices of the peace), or elected by the members of the aristocratic class. When the self-government is of a democratic character, nomination by election is the usual method, with which it is advisable to unite short terms of office and capacity of reëlection. In both cases the

particular branch of local business should be confided to a single person or to a board according as execution or deliberation is the most important function.

It is evident that only matters of local interest can be intrusted to such officials; those of general importance must of course be confided to the civil servants of the state. Nor can the performance of purely mechanical duties, nor of those not held in a certain repute, be expected from functionaries serving without pay and for the honor of office. Affairs too, requiring a special technical knowledge (*e. g.*, that of jurisprudence), must likewise be excluded from the sphere of the duties of unpaid volunteers.

It is evident that this institution can only exist under certain political and social conditions. In its aristocratic form it presupposes the existence of an actual aristocracy, possessing the proper moral qualifications, education and public spirit. So too it cannot exist in its democratic form where the mass of the people are very ignorant or very poor, for the requisite number of competent persons with sufficient means to devote the necessary time gratuitously to the community, cannot be found.

Whatever may be the manner in which this institution may be organized, it has certain advantages as well as disadvantages peculiar to itself. Under the former may be enumerated the following: Personal and every-day familiarity with the affairs administered; regard for the substance of transactions even at the expense of form, a thing which is the reverse of what occurs with professional officials; zeal in the discharge of the duties assumed; cheapness; education of the people in the knowledge and transaction of public affairs; the furnishing of a school for training public men, and especially members of legislative bodies; prevention of a weak dependence upon the central government for everything; finally, the impossibility of the governments using such functionaries as tools of oppression and illegality. On the other side of the account there are considerations which must not be overlooked. Thus the spirit of such officials may be an entirely too narrow one, and each locality may proceed according to its local interests in execution of a general law of broader views and purposes. The dependence, too, of such unpaid voluntary functionaries upon their subordinates may easily be too great. The regular formalities of public business will be frequently disregarded. It will be difficult to enforce a strict responsibility except in cases of intentional or gross violation of duty. It is besides doubtful whether the influence of public opinion will always be exercised in favor of what is due to the

law and the government. The abuse of their powers by the officials for selfish purposes is also by no means impossible. Still, where the system is practicable, the good will generally predominate. The freedom of the press, the vigilance of representative assemblies, and a proper system of election or appointment and of removal will powerfully contribute to the efficiency of such a local government when once established.

### § 11. *Summary and General Results.*

From the foregoing it will not seem difficult to form a general judgment upon the different modes of filling administrative offices. In considering the subject from this point of view, we must, however, above all recall that it is impossible that there should be any *absolute* excellence in any given system. Such an excellence is rarely if ever to be found in human affairs, and we must be satisfied when the good characteristics of any such institution predominate decidedly over the bad. This is especially so, when general and personal interests of such different kinds are constantly clashing. Only what is relatively good can here be attained. Again, it is evident that no one system of filling offices, whatever may be its nature, can be suitable for every form of government. When only a mediocre or a bad official system harmonizes with the fundamental principles of a government or the political spirit of a people, such a fact is undoubtedly a great fault in the form of polity in question and weighs heavily in our judgment upon it; but the necessity of continuing the objectionable institution still remains, for so long as we accept the principal thing we must abide by its consequences.

With these qualifications it can hardly be doubted that most can be said in praise of the system of professional officials with a legal right to their offices during good behavior, and, next to it, of the system of unpaid volunteer officials within its necessary limits and when applicable. The first named system, besides being applicable to any kind of public business, makes it possible for the qualifications necessary to a good administration to become general, and encourages the personal respectability and political independence of officials. Its principal disadvantage, that of the possibility of a stupid routine and a servile spirit, may be avoided or at least diminished by a good organization, proper management, and severe inspection of the service and its duties, and a correct system of discipline and moralization of the whole official body. It is true also that the expense will always be great.

The employment of unpaid volunteer functionaries for the care of common local interests takes for granted their good will and consent, elevates the citizen, is not liable to political abuse, is cheap, and serves as a school for more important branches of public affairs. It is, however, only applicable when the general political condition of the community is sound, and then only for a not very extensive sphere of business. Besides, too, in either its aristocratic or its democratic form it must accord with the existing political constitution of society.

The system of professional officials without a right in the office, and that of popular elections for short terms, have both of them decidedly worse characteristics. In the first of these it is true that a portion of the advantages of a tenure of right may be obtained by the practice of continuing in place those who have been once appointed, and by good regulations concerning promotion and pensions. All this, however, cannot produce the same feeling of security. Consequently, the amount of preparation for the civil service career, and the political independence of officials, must be less than under a secured tenure. Nor can the official body enjoy the same amount of public respect and esteem. The expense is besides as great in the one case as the other.

The election of paid officials by the people, is very proper in a democracy, but only therein, and, when the moral and political state of things is sound, may produce fair and even excellent results. It furnishes, however, no security therefor, since no thorough preparation for the public service can be expected nor enforced. Frequent elections too are troublesome and inconvenient, and may sometimes be productive of great evils. When political corruption has set in, the public offices are sure of being badly filled, and profound injury to the public weal is unavoidable.

From the foregoing it results that the system of unpaid volunteer officials should, as far as it is practicable, be availed of. For the other places professional officials should be appointed by the chief of the State, whose tenure of office during good behavior and pensioning in sickness and old age should be legally secured, while on the other hand a corresponding preparatory training and thorough performance of duties should in return be exacted. Such public servants should not only be made use of throughout in all monarchies, but also in democracies for at least most posts of the central administration, and for those in which a special professional training is required. Of course for the highest offices of a democracy and likewise for the local offices, elections by the people are una-

voidable. The system of professional officials without a legal right of tenure, is in normal circumstances neither necessary nor desirable. Only those governments which need a support in the unconditional obedience of the whole body of placemen against a hostile public opinion, regard it with predilection.

# ART SCHOOLS.

Read at the General Meeting, Philadelphia, October 27, 1870. By C. C. Perkins.

Those of us who are interested in American Art Education can hardly look back upon the past year without feeling greatly encouraged as to the future. Last October we could only have expressed our hopes, now we can speak of deeds, and I gladly avail myself of this opportunity of enumerating them to the members of a society whose active coöperation has done so much toward bringing them to pass.

*Firstly.* Preparations have been made for the establishment of Art Museums both in New York and Boston. In Boston, about which I can best speak, we are fully committed to the enterprise. In February last the Trustees of the Museum of Fine Arts were incorporated by act of legislature, and at the end of April the Mayor was authorized by the city government to convey to them a valuable lot of land for its site.

A large sum of money has since been subscribed for the erection of a building and the purchase of works of art, and valuable objects have been presented to the future museum by private individuals. Certain public institutions have also promised to deposit collections of great value in it, on permanent loan, and are pledged to watch over its interests by the annual appointment of some of its trustees from their own directing bodies.

*Secondly.* A bill has been passed in the Massachusetts legislature by which instruction in drawing is rendered obligatory in all public schools throughout the State ; and

*Thirdly.* The committee on drawing has been authorized by the school board to make application to the Normal School at South Kensington for an instructor thoroughly capable of directing a similar institution in Boston. Thanks to this latter provision we may hope in time to have many good native teachers trained in a system which has produced astonishing results in England.

While enumerating the wise steps lately taken in furtherance of art education, I must not omit to mention one which is especially

due to the action of certain members of this association. I allude to the decoration of the exhibition room in the new normal school for girls, at Boston, with a carefully selected collection of casts. This effort to influence the taste of the rising generation is a move in the right direction, which cannot fail to be initiated elsewhere.

When we consider that all these measures have been taken within a year, we certainly have reason to hope that the cause of popular education in art which so largely occupies the attention of thinking men in Europe, will soon begin to receive equal attention from thinking men in America. The initiative must come from them through the spoken word, and through the pen. By their agency, manufacturers, mechanics, and artisans must be roused to the importance of a cause which really touches their interests more closely than it does those of any other classes in the country. At present the employers are far more indifferent to it than the employed. A well known professor of drawing lately bore witness to this in saying that during an experience of seventeen years he had met with cordial appreciation from mechanics and artisans only; and another in relating the story of a workman, who after reading Cardinal Wiseman's popular lecture on the "Relations of Art to Industry," purchased fifty copies of it at his own expense, to distribute among his comrades.

Such indications of interest cannot be prized too highly by those who hope to see art industries raised to a high level by education in art. The object of all such education is to give the artisan power to create, and the public ability to appreciate beauty in objects which not only answer material ends, but also satisfy æsthetical exigencies. Hitherto means have been wanting to effect this. The measures taken have been purely local, and not calculated to affect the nation at large. We have had art schools and art lectures, but without museums of which they are the complement; we have had many able teachers of drawing, but no body of teachers instructed in one system; in other words we have had a multiplicity of individual action instead of that unity of action through many individuals which alone can be efficacious. It is because I regard the course upon which we have now entered as likely to bring this about, that it seems to me of so much importance. The steps lately taken in certain parts of the country are no longer local, — they are national; for so surely as we have art museums and their affiliated institutions in New York and Boston we shall soon have them in other great cities on a similar scale, and in small towns on a smaller scale.

It is evident that we are beginning to realize that art is a powerful agent of civilization; that it is a great humanizing influence, a mine of national wealth when applied to industry; and that it is not only a source of pleasure but a source of power, like all other branches of education. Our slowness in arriving at these convictions is not to be attributed to natural apathy or to poverty of organization, but to the want of these means of culture in art which are enjoyed by foreign nations, and to the absence of those powerful traditions which have fostered and shaped the arts in Europe from antiquity to the present day. Shut out from daily contact with the masterpieces of the past, by which all modern efforts must be measured, we have had no standards of excellence to look up to, and have lived in regard to art, as we should have lived in respect to literature, if we had remained ignorant of the works of Shakespeare, Milton, and other great authors. In such case our best authors could not have attained purity of style, nor can our artists and artisans hope to reach it until they have the opportunity of studying the works of men of genius in their own professions.

This opportunity can now be afforded to them, for art has been so popularized by many means of reproduction that its masterpieces can be brought to our doors. "The Englishman who has never left the borders of the Thames," says a late writer, "can now become as familiar with the masterpieces of ancient art as the Roman who sees the Coliseum every day, or the Athenian who lives under the shadow of the Acropolis. . . . . Railroads, machinery, printing, lithography, engraving, and photography, have equalized all chances; and in the great contest which Industry is fighting in every part of the globe, the people whom circumstances most favored two or three centuries ago, can only count upon themselves to maintain or attain a high position." To us Americans this fact should speak like the sound of a trumpet. We can no longer excuse ourselves for our ignorance in art, on the plea that we cannot see and study its best examples. Abundant material can be obtained to fill museums and schools of design. At will we can surround ourselves with works of all periods, admirably calculated to teach us what may yet be done by what has been done.

Our task is greater than that which European nations proposed to themselves, for while they had to improve public taste in the fine and the industrial arts, we have to create it. Their foundations were already laid, while we must dig them, as well as raise the edifice upon them. We have, however, one advantage, in that we can profit by their mistakes, and study the causes of their suc-

cess in attained results. To attempt to do this at all thoroughly is of course out of the question within the narrow limits of time at my command. I can only invite your attention to some general considerations upon the course taken in England to improve industrial art, as it forms a more fruitful object of study for us in America than that taken in France or Germany, because when the English entered upon it they were in a position much more analogous to our own than that then occupied by the continental nations. Like us at present, England was then dependent upon foreign countries for her ornamental designs; like us, she was far behind them in art education; like us, she wished to develop skilled labor, and to ameliorate the social position of artists and handicraftsmen; like us, she desired to bring about that fruitful identification of the artist and the artisan which existed in antiquity as in the Middle Ages; like us, in short, "she sought to influence at once the supply and the demand, to instruct the purchaser and the consumer, to permeate a whole nation with a comprehension of the beautiful." At the outset she made a false start, and for fourteen years spent her strength in sterile effort. So far back as the year 1835 a committee of the House of Commons was organized to consider the best means of propagating public education in art, and of spreading a knowledge of the principles of ornamental drawing for the improvement of industrial art. This committee recommended that an institution should be founded "in which not only theoretical instruction should be given, but where also the direct practical action of art upon manufacture, as an essential element, should be taught." In pursuance of this advice a Central School of Design was founded at Somerset House in the year 1837, and in course of time twenty-one schools of the same kind, established in the chief centres of English manufacture, were affiliated to it. Fourteen years later, when the wisdom of the course pursued was submitted to a crucial test at the Great Exhibition of 1851, it was found to have produced no practical results. The work of the pupils of these schools showed an ignorance of the simplest elements of drawing, and it was felt that without such fundamental preparation the principles of ornament applicable to industrial art could neither be taught nor understood.

With characteristic candor England acknowledged her error, and inaugurated a new system, whose success was so triumphant, that within ten years the French government charged MM. Marquérin and Motheré to study the organization of primary instruction in England, and acknowledged its superiority by afterwards reorganizing the French schools on a new basis.

Now let us see what were the causes of this wonderful improvement in England. The first of these was the foundation of the Kensington Museum by Prince Albert, in 1852; the second the organization of a special division of the Committee of the Council on Education called the Science and Art Department, charged with the administration and distribution of the fund voted by Parliament in the following year for instruction in drawing in primary schools, and with the direction of the one Normal School out of the thirty-five in Great Britain which is directly connected with the State. Here all persons desirous of studying to fit themselves as professors, having passed a preliminary examination, can receive gratuitous instruction, and at the same time aid themselves by giving lessons in neighboring schools. The best are employed as auxiliary teachers in the Normal School with a salary of £20 a year. Six diplomas given by the Science and Art Department, each of which entitles the recipient to £10 a year, must be gained before they can teach in the provincial schools dependent upon it. The first is bestowed after a satisfactory examination in the elementary principles of drawing and water-color painting; the second requires a knowledge of the principles of painting and ornament, and of their styles at different epochs; the third of the drawing and painting of figures; the fourth of modeling ornament; the fifth of modeling the figure; and the sixth of machine and architectural drawing. The persons whose qualifications are thus certified by the Department, are proposed by it as teachers to all directors of schools or educational committees who may make application for their services. The schools which ask for pecuniary assistance are subdivided, and their progress is watched over by appointed inspectors. The Department controls the Industrial Museum at South Kensington; regulates the ambulatory museums containing reproductions of fine works of art which are sent about the country for temporary exhibition, and from time to time organizes national and international exhibitions in London. These institutions are all intended to benefit not only artisans but the general public, the consumers as well as the producers. I shall not take up your time by repeating what I have already had occasion to say elsewhere about the museum and the exhibitions connected with it; my object to-day is to speak more especially of Art Schools, and to point out how they may best be administered. The regulations of the Science and Art Department in regard to local schools of art are examples of most effective administration, and as such I would call your attention to them. Relations between the Department and such bodies

are formed in this way. Some public spirited persons in a provincial town desire to have instruction given in elementary drawing, and a general knowledge of art propagated throughout a county district. Their first step is to form a committee of leading artisans, who are instructed to apply to the Science and Art Department for aid in founding an elementary school of design. This aid, which consists in granting a subsidy, and in furnishing a master from the Kensington Normal School, is granted on the following conditions: *First*, that in the town where the art school is to be established there shall be at least four primary schools (*i. e.* schools for poor children), ready to receive instruction in drawing, and able to pay towards it an annual sum of £5 each; *second*, that the schoolmasters as well as the scholars shall take lessons; *third*, that a special locality shall be set apart for the art school; and *fourth*, that the teacher shall be allowed to give private lessons, provided the salary which he receives from the pupils does not suffice for his livelihood. Three times a week this teacher is obliged to hold an evening school for artisans, each of whom pays him the modest sum of sixpence. His other means of subsistence are at least half the receipts of the art school, an annual sum of £10 for each of the diplomas which he holds, and the prizes given to him by the Department, which are proportioned to the number taken by his pupils in the competitions organized by it. Once a year every art school is visited by an inspector, before whom the pupils are required to make drawings, the best of which are recompensed; for each drawing so distinguished the sum of £2 or £3 is also given to the teacher. Other drawings prepared beforehand from models designated in a list furnished to the schools by the Department, are examined by the inspector, who premiates any one of remarkable excellence by a local medal. With this is coupled the title of "Prize Student," and a year's free instruction in the school. Furthermore the school receives a present of some works upon art, of engravings, photographs, or models of the value of ten shillings, which go to increase its collection of objects for study. Every year one of the recompensed drawings is sent up to London to compete with others of the same kind for the grand national medal. This entitles the school where the successful competitor was found to a prize of £10, which is to be spent in purchasing good models from those prepared by the Department.

The completeness of this system must strike every one,—it is put together like an ingenious piece of mechanism, and yet works with elastic freedom. The central body educates teachers, and

offers them to all who desire instruction. It leaves them free to refuse, but if they accept it binds them to fulfill certain conditions essential to progress. In obliging them to contribute toward the support of the teacher, it preserves to them their sense of independence; and in recompensing him for each proof of the efficiency of his lessons, it gives him a material interest in their progress. Lastly, it makes every good drawing a means of general good, inasmuch as by it a certain number of good models are brought into the school. This last provision, which insures an abundance of the best material for study to the pupils, is admirable. French professors have made great complaint of the small supply of good models to Art Schools in France, and of injudicious selection. That they were right was proved by that generally feeble character of the drawings from French Industrial Schools exhibited at Paris in 1863 and 1865, pointed out in the reports of the two exhibitions. These reports acknowledged that the English drawings exhibited at London in the previous year were incontestably superior, and signalized the excellent choice of models as the cause of this superiority. "Good models," says M. Allard, "are the real masters, of which teachers are but the more or less able interpreters." It is self-evident, indeed, that if the model set before the pupil is complicated and overloaded he will exhaust his strength in painful effort, and attain but a poor result. He should have progressive models, clear in outline, each calculated to push him on from one difficulty to another; and if these models are in relief, they must be marked by sober indications of the different planes marking the passage from shadow to light. Furthermore, he needs to have them explained by an intelligent instructor who can teach him to work understandingly. For primary instruction geometrical models and common objects are used in England to teach the alphabet of form. Having mastered these the pupil is required to amplify or reduce the model set before him, and thus acquire an idea of the relative proportion of parts, and be able to seize them by the eye. This is what the French call "interpretation raisonée." Then he may strengthen his memory by attempting to draw without the model what he has already copied. In the Kreling school at Nuremberg drawing from the graphic model and literal copying are forbidden, and modeling from drawings or from the antique is always done on a different scale.

The English and French reports on the Great Exhibition at Paris threw much light upon the best systems of instruction for Art Schools. In Mr. Ridgman's report on Application of Drawing

to Industry, he thus defines the difference between the English and French systems: "The English course of teaching," he says, "seeks to attain freedom of thought and knowledge by careful and precise imitation, while the French seeks facility and fluency without such foundation." The French workman commences with linear drawing both with instruments and with free hand; but in the latter practice without aiming at precision of outline, like the English draughtsman. He uses the stump far more than the point, and attains decorative freedom at the loss of some correctness and truth; he copies modern lithographed studies of ornament instead of making careful studies from the antique, first from flat copies then from the round; and instead of drawing plants and foliage from nature like the Englishman, copies chiefly flat examples of these objects, which have been already generalized by the decorative artist. Furthermore he receives but little instruction in the historic styles of different periods, or in the principles which should guide the decorator in the application of ornament to fabrics and objects of general use. "France," says the English reporter, "needs better models and more precise instruction, to act as a corrective to a weak exuberance observable at times in her decorative art; while England would benefit by an infusion of French practice to correct her tendency to coldness and apparent want of inspiration."

The best systems have identical aims. These are to give power and accuracy of observation to the eye, to discipline the hand, to purify the taste, to strengthen the memory, to enable the pupil to work at once truly and rapidly. To bring about these results the pupil must always have the best models set before him; he must be able to enlarge or diminish them with strict regard to relative proportion of parts to the whole, and to repeat them when the model is removed from his sight; he should be taught to model from drawings, as well as to draw from the round. Time drawing is a most useful exercise to give him facility of execution. In early stages the blackboard is better than the paper, because the tyro will not be afraid to make mistakes, and will attack his subject with boldness. Outline drawing can hardly be too long practiced before proceeding to shadow; for form is the essential, chiaro-oscuro is the accidental; and when once the first is thoroughly mastered, little difficulty will be experienced in acquiring the second. In figure-drawing the scholar must learn to seize the essential points which denote action before endeavoring to shape the muscles elaborately, and these he must mark clearly and decisively. Sobriety and clearness are the best qualities in a drawing; and to

attain these, detail must be kept strictly subordinate to general effect. In all the range of art no models are so well calculated for study in view of the attainment of these qualities as the marbles of the Parthenon, because they are masterly abstracts of the human form, — perfect embodiments of its essential elements, and realizations of that idea of excellence, which, in the words of Sir Joshua Reynolds, is the result of the accumulated experience of past ages.

In view of the lessons which might be learnt from study of the organization of foreign Art Schools it would be desirable to treat the subject much more fully; but as this is not now possible, it remains for me briefly to draw some conclusion from what has been said, as to how far we can hope to adapt their best features to our own wants. It is evident that progress in England is due to the action of the South Kensington Museum and all its affiliated institutions upon British artisans and the British public; and it is equally clear that the wise administration of the sums granted by Parliament for their support, by the Science and Art Department, has given them power to act efficaciously. Our difficulty, then, does not lie in seeing what ought to be done, but how that which is done under a monarchical government can be best done in a Republic. Even if such institutions are to become self-supporting, as we believe they will become in course of time, we want large sums of money to start them, and to sustain them, until the public be so convinced of their utility that it will take the task out of our hands. But how are these sums to be obtained? Not, as in Europe, from the State, which not only decrees but endows the museum and the art school; but from thousands of individuals whose interest must be excited in the matter before they will contribute to their support. This is a very difficult task, and we may doubt whether any really *national* institution can be organized until local institutions, such as New York and Boston are about to found, have raised the estimate of the value of art throughout the country, and created a general love for it. In all other branches of education we acknowledge the necessity of State help to enable us to do those things which must either be done by some central authority or be otherwise left undone; and this because we agree with J. S. Mill, "that help in education is help towards doing without help, and is favorable to a spirit of independence." We approve, then, of the principle of intervention in all branches of education which we consider important, and as we neither ask for it nor expect it as regards art, it is plain that we as yet hold this in small esteem as an educational means. Until we alter our opinion on this point, grants

from Congress and State legislatures for art projects are not among possibilities ; and all aid must come from individuals, who are, therefore, called upon to do a double duty, — to labor not only for a local but for a national end. It is true that those who promote art interests in a particular State or city indirectly promote them throughout the land; but this is not enough. We not only want local committees, but also one central body, whose business it shall be to watch over these local committees, and to promote the common cause. The Social Science Association has proved that such an organization is not impossible. It seeks to bring men together who have knowledge upon special subjects, and to make their knowledge generally useful. Within the last year or two it has included the promotion of art education in its programme ; why should it not go a step further, and create an art department which shall stand in the same relation to it as that in which the English Science and Art Department stands to the Committee of the Council on Education ?

Such a body would certainly be of the greatest service to the cause. Nor do I see, from what I know of foreign experience, how it can be effectively promoted without it. Remember that England failed until she created the Science and Art Department, and that the great continental nations have, with hardly an exception, borne witness to her success through its agency. Convinced as I am that we also must take the same course, I would conclude my remarks by proposing the following resolutions : —

1. That a special division of the Social Science Association be created under the name of the National Art Department.

2. That this body be composed of two or more persons to be hereafter nominated from each of the principal cities of the United States.

3. That its first duty shall be to prepare a scheme of action calculated to promote the cause of art education throughout the United States ; and its second to take such steps as may be deemed necessary to effect that purpose.

# INDUSTRIAL DRAWING.

Read at the Room of the Association, Boston, January 2, 1871. By C. O. Thompson, Professor in the Worcester Free Institute.

It is not necessary to enter upon any discussion of the utility of drawing, whether considered as a necessity or as an accomplishment. If any one has doubts on this point, he should at once consult the Report of the Paris Exposition, and observe that drawing is as much a part of the training of the excellent French or German artisan as the use of his tools. He may also note, with great profit to himself, the present dependence of American manufacturers upon foreign models, and the fact that only a small number of our journeymen mechanics can *read* a working-drawing, to say nothing of making it; and the fact conceded by all intelligent master mechanics, that if every journeyman in the shop could read a drawing so as to be trusted to work from it, the productive capacity of the shop would be vastly increased. It concerns us now especially to inquire how more ample facilities can be provided for journeymen, apprentices, and all other persons, in this most important branch of knowledge. The inquiry naturally resolves itself into three parts: 1. Who shall provide this instruction? 2. For whom shall it be provided? and 3. What are, on the whole, the most practicable methods and apparatus of instruction?

In discussing these points I shall only give the results of the experiment at Worcester. We took the law in good faith and have done our best to give it all possible efficacy; but no general principles can be deduced from so narrow a field. What I wish is to contribute such facts as we have to the general fund, in the hope that by repeating this experiment in every considerable town in the State some systematic scheme may be at length devised.

First, then, who shall provide this instruction? The law says (Acts and Resolves, 1870, chap. 248): "Any town having ten thousand inhabitants *shall*, and any town having half that number *may*, maintain schools for free industrial drawing." The law in its present phase means something or nothing, according as the towns accept their duty and discharge it with fidelity.

The right of any town to maintain a school for drawing is as

clear as its right to maintain a high school or a free public library. To either of these institutions any citizen is welcome, under certain salutary restrictions; but to neither of them do more than a small minority ever actually come, as statistics show. But those who do not personally participate in the blessings of the school or the library feel the beneficent contagion of a larger intelligence and broader benevolence, which flow from those fountains through those who drink from them. The drawing-class meets a want which neither the school nor the library provides for (and cannot provide for under the existing forms), and at all centres of business is as much demanded as either.

The Worcester School Board, acting under the authority conferred by the statute, at once said: We will open this class for thirty evenings, if twenty persons shall apply within a specified time. The Superintendent issued his notice to all persons over fifteen years of age. More than two hundred applied before the opening night. Excluding all of these who were members of the public schools, on the ground of previous provision, there were one hundred and forty-five persons to be organized into classes for instruction in drawing. This brings us to the inquiry, Who shall receive this instruction?

Evidently a class of persons quite distinct from scholars in our public schools is contemplated in the statute. For them ample provision is, or ought to be, made in the schools. Almost all the large towns in New England have seen their long neglected duty in this matter, and have made drawing a part of the course of study. But there are thousands of men, women, and children who have passed through their school-life without this instruction, who still need it. They are apprentices, artisans of all sorts, who need this knowledge in their business, and men and women generally who have undeveloped talent for drawing as an art.

At this point it is unfortunately necessary to discriminate between drawing as a necessity and drawing as an accomplishment. For a first class workman to be able to express his ideas of form correctly and to read a drawing made by another, is just as necessary as to know a straight line from a crooked one. On the other hand, a good drawing is a very creditable performance in itself, and apart from its practical uses. In the latter sense it is an accomplishment. To illustrate. About one man in ten can be called a good penman, but almost every man can write intelligibly. So of artisans; all can learn to draw well enough to express their ideas of form and proportion intelligibly, and about one in ten can learn

to draw with elegance. A single fact may help us. In Saxony the boys spend but little more time in writing and drawing than ours in *writing alone*, and excel ours in writing, at that.

Now some say we must not undertake to educate *men* at the public expense. Children are the only proper objects of public instruction. But we have from time immemorial helped to educate men in colleges for the professions, and, more recently, for agriculture and the mechanic arts, and the expenditure is justifiable on every ground. Why should we deny to the mechanic, who can only be taught in the evening, what we accord so liberally to the more careless student? When the man whom we have undertaken and promised to educate finds at the outset of his active life that he is deficient in an important part of his education, can we in justice refuse him his only remaining chance of remedying that defect?

Two facts will show us some of the bearings of this subject on two of the important questions of the hour, — Labor and Woman's Rights.

In all the leading French and German workshops, every regular mechanic can make a free-hand sketch of any part or of the whole of any machine he is working on, or of any one he invents. Suppose every American workman could do this, and the thousands of improvements, small and great, that are constantly caught up by master workmen from their employees, and so passed into patent rights, would be saved to the rightful owner.

In London more than a thousand girls earn a handsome living by making designs for illustrated books, prints, etc. Probably as many proportionally do this in every large town in the kingdom. If every girl at school and out of school were properly taught drawing, some, at least, here as in England, would become proficient enough to retire from the frightful list of "unemployed women."

It is not necessary to suggest the immense advantage which the ability to draw would give every master workman, both in saving time and securing accuracy. There is one such man in the Worcester class, sixty-three years old, learning what the schools ought to have taught him fifty years ago.

Whether our duty will be done when all the graduates of our schools have been provided for remains to be seen. Years must elapse before that is done, and by that time we shall see clearly, I hope, that our only hope of eminence in the mechanic arts lies in providing ample and extensive facilities for educating the workman in the line of his labor.

These considerations are weighty, but the movement for evening instruction in drawing would be justifiable were the only object in view to put it in the power of every citizen to discriminate between what is ugly and what is beautiful, in material forms.

Our third and most important inquiry is, What are, on the whole, the most practicable methods and apparatus of instruction?

The statistics of the Worcester class will be of some interest, as furnishing data for some computations.

As has been stated, the class numbered at the outset 145 — 136 men and 9 women. They were organized alphabetically, in two divisions of 73 and 72. In respect of age, there were one over 60, two between 50 and 60, four between 40 and 50, twenty-eight between 30 and 40, sixty-one between 20 and 30, and forty-nine under 20.

In respect of occupation, there were of machinists, 42; carpenters, 26; pattern-makers, 7; teachers, 9; masons, 3; farmers, boot and shoemakers, clerks, and architects, 4 each; organ builders, book-keepers, painters, armorers, and engravers, 2 each; insurance agents, civil engineers, reed-makers, engineers, upholsterers, moulders, wire-drawers, blacksmiths, 1 each; miscellaneous, 24.

Since the class started, two weeks ago, five have given their places to others, and six have dropped out. More than half the class walk two miles to get the lessons, and more than two thirds of them are usually in their seats half an hour before the time for beginning. Only five of them have ever been in a drawing class before, though voluntary classes have been held in the city for many years.

It is pretty clear that drawing is something more than a mere accomplishment, and that there are a good many men among our most valuable citizens who crave, but cannot afford to pay for instruction in it.

Each lesson is an hour and a half long, and they may be conveniently and effectively given semi-weekly during the early winter months. A course of thirty lessons may be so planned that another course of a more advanced sort may follow them the succeeding winter.

The first ten lessons should be in free hand drawing. This is of great value in itself, and as a preparation for instrumental drawing.

The course of instruction for this introductory instruction is as follows, namely: —

Three lessons in horizontal and vertical lines and plane and ornamental forms composed of those lines.

Three lessons in curves.

Two lessons in perspective.

Two lessons in review.

In a class of a hundred and forty-five there will be some persons who prefer to devote the whole time of the course to free-hand practice. At Worcester there were forty-eight such. So at the end of the tenth lesson a free-hand class of forty-eight, and two classes in mechanical drawing of forty-four each, were organized. The free-hand class go on with the course already begun under Professor Gladwin; the others receive instruction for the lessons in descriptive geometry, and for the rest in problems adapted to their wants. One is taught by Professor Alden, of the Free Institute, and the other by Mr. Higgins, Superintendent of the Washburn Machine Shop. There is one assistant, a student of the Institute, who divides his time between the two classes; but for the highest efficiency each class should have an assistant.

The Worcester classes are fortunate in having so good instructors at hand, and in finding them willing to undertake the work. No amount of culture or of skill are too good to be put at the service of such classes. It is just as absurd to argue that anybody will do for a teacher of "these evening classes" as it is to urge "cheap teachers" for primary schools. Any one who has seen Agassiz at a teachers' institute can understand precisely the bearing of these remarks. A good teacher at any price is cheaper than a poor one at any price. He is the vital part of the whole scheme. It is required of him that he be a skillful draughtsman, be apt to teach, of good training, of large executive ability, and of great personal magnetism. For drawing demands some thinking and gives generous discipline to the perceptive and imaginative faculties, if it be managed by a teacher who knows how to call these qualities into action. This teacher has pupils whose minds are dulled rather than brightened by their daily duties, but who come nevertheless with a sharp appetite for the semi-weekly lesson. They want to see their teacher stand at the blackboard and draw, — not only that, but make every line with such spirit and decision that their own fingers will follow his by a spontaneous movement. There is not only the result, but the agency that produces it; and there is a willing heart to guide their own imperfect work. This is true, at least, of all free-hand instruction. Whether charts and drawing cards, etc., are better than nothing, I do not know. Very likely they are. But I am sure that as lacquer and varnish are among the chief obstacles in the way of the beginner in physical research,

so text-books, charts, etc., hinder more than help such pupils as gather for instruction in free-hand drawing.

How such teachers are to be secured without a Normal School or a Normal Class I cannot see. Because any man or woman can draw well, or has had private pupils now and then, or has taught drawing in public schools from drawing cards, it is utterly unsafe to infer that he can manage such classes as we are speaking of. In order to do *that*, he must carefully systematize the subjects to be presented, study the best ways of presenting them, and have every result in his mind; so that in the class-room the only implement in his hand is a piece of chalk, and in the pupil's a lead-pencil. The teacher, of course, has a blackboard before him, and the pupil a convenient table, a drawing board about 20 by 24, drawing paper, and a bit of rubber and a few tacks. Under such circumstances, a good teacher, to plan the work and illustrate it step by step, with an expert assistant at the elbows of the class to explain an obscure point, to correct mistakes, and to ease clumsy fingers, can accomplish something in thirty lessons of substantial value, small though it be, and in the lessons can open the way to larger and better results from a mechanical course.

For this extended course of free-hand work some large wooden models are very convenient, as well as some casts in plaster. The models should be a cube of two feet edge, a sphere, a cone, a cylinder, a hexagonal prism, a hollow cube and a section of it, a pyramid, a truncated cone or pyramid, and a regular tetrahedron.

The cost is very trifling. As to plaster casts of art studies there is a considerable assortment for sale in New York by Harrie Coffee, and ten or fifteen dollars will buy a fair supply. But doubtless in every town a loan collection could be made from private sources, which would be just the thing wanted.

Now, if any one raises the very fair question, whether, after all, in such classes as I have described, any results are obtained at all commensurate with the expenditure, I can only answer by submitting to his inspection the results thus far obtained.

For the first course of twenty lessons in mechanical drawing, a good part of the time, say three quarters, is spent in learning the elements of descriptive geometry. Descriptive geometry *is* mechanical drawing in one sense; that is, it is the method of representing any object in horizontal and vertical projection, in any position. A knowledge of geometry proper is of incalculable value as a preliminary, but is not indispensable. The problems to be given must be selected with great care, and the aid of a blackboard

contrived so as to show the two planes is of great importance. A teacher can get some very useful hints by consulting a set of lessons given at the École de Dessin, Paris, by Monsieurs Petitcolin and Chaumont. These papers are now unfortunately rather scarce, but as they are the only really systematic and practical things of the sort, a reprint will undoubtedly appear before long. The remaining fourth may be devoted to simple or complicated problems in construction, according to the proficiency of each pupil. Some simple models are required in this class also, which can be had at small expense. The excellent hand-book of Professor Warren will be of great service to the teacher, and at some time to the pupil. It will be observed that the method of instruction recommended for the mechanical classes differs widely from the one usually followed in classes connected with our voluntary organizations. That plan is to give the pupils certain arbitrary rules for producing certain results, and pupils are generally allowed to choose their own studies. This plan contemplates the mastery of the great principles of projection, so that the pupil can delineate any form he wishes, and put it in any desired position.

Pardon me for urging again that the common and highly objectionable plan of teaching by text-book will not answer the demands of the hour in regard to this form of knowledge. Some convenient hand-book may be very well for the pupil to consult in case of doubt or forgetfulness, but no such thing should ever be seen in the class-room.

Some practical questions naturally arise.

What apparatus must the town furnish and what the pupil?

The town must open a convenient room, warmed and lighted, and must equip it with tables and blackboard. One of the public school-rooms will do, in most cases. If the room must be furnished with tables, very good ones can be made, as at Worcester, for two and one half dollars each. A regular draughtsman's stand, of iron, is made there for about eight dollars. The town ought also to furnish a few models.

The pupil must supply himself with drawing-board, paper, pencils, instruments, etc., etc. In regard to instruments, a pair of adjustable dividers, a pen, a scale, a L-square, and a triangle are all he needs. He may entirely forego a varnished box, and wrap his metallic tools in a bit of chamois leather, which many draughtsmen prefer to a box. Six dollars may provide him with all he needs. If he cannot afford this it is clear that he does not attach value enough to the instruction he is seeking to put it to any use in his

own business. If he learns anything and means to do anything, he will need his instruments. They should, of course, be of the best quality, so that the set can be enlarged at will. I do not need to add that the draughtsman should not waste his money in buying cheap "sets of instruments." The Swiss are the best.

What do these classes cost?

A good teacher ought not to work for less than ten dollars an evening for a single class. For large classes and extended courses, more favorable terms can of course be made. The cost of incidentals is two dollars per evening, and at least fifteen dollars should be expended for models.

Suppose the School Board will not move in the matter, what can be done?

Clearly nothing but to organize independently of the Board, pay the sum required to carry on the class, and appeal to the town at the next town meeting.

Where can we get teachers?

This is a hard question to answer. A normal class in lieu of anything better ought to be maintained by the Commonwealth at some convenient centre during a few months in the summer, where the really skillful draughtsmen in the State can learn how to teach their art. As things are now, in general, reliance must be placed on the few gentlemen in Boston and Worcester who are willing to undertake the labor.

I have thus given a simple practical statement of what is doing at Worcester in industrial drawing, as you requested, and some suggestions that have sprung up by the way. No one can be more sensible how much more ought to be done; but considering the depths of popular ignorance and prejudice on the subject, and the general apathy toward all educational reforms, it seems best that its friends and promoters should undertake at first only what can be thoroughly, successfully, and cheaply done, trusting that such large and beneficent results will follow these small beginnings that public sentiment will demand, after clear demonstration, what the public good so clearly requires.

# MUSIC IN PUBLIC SCHOOLS.

Read at the Room of the Association, Boston, April 3, 1871.—By J. Baxter Upham, Chairman of the Committee on Music of the Public Schools of Boston.

In accordance with the request of this association, I will state, very briefly, my views as to the practicability of some easy and inexpensive plan of elementary instruction in music, which might be readily ingrafted upon the system of common school education, as we find it in New England and in many other sections of our country. As to the benefit of such instruction, — if properly carried out, — its agency in the formation of a refined and melodious speech, its efficiency as a means of recreation and of discipline in the school-room, and its humanizing influence upon both teacher and pupil, the best educators in other countries and our own are now agreed. The almost universal ability of children of the school age to appreciate the sounds of the scale and acquire some knowledge of music in its simpler forms has been abundantly proved. Said Mr. Sheldon, a late master of the Hancock Grammar School, speaking upon this point, "In my school of about 1000 girls, less than a dozen were unfitted, from all causes, for attaining to a fair degree of success in this department of culture." This was before the introduction of music as a required study in our primary schools. Very recently the question was tested in the primary and younger classes of the grammar departments in the Boston schools, by a delegation of the Committee on Education from the State Legislature. The result showed that in the lowest primary class of about 40 pupils, whose average age was $5\frac{1}{2}$ years, some half dozen pupils were found who could not sing in tune. As you proceeded upward in the school these instances became less frequent; and when the second year of the grammar course was reached, in a class of 108 pupils of the average age of 12 to 13 years, not a single discordant voice could be found. Mr. Mason assures me that he is accustomed to disregard these exceptional cases among the smaller children, and to require them to participate in the musical exercises with the others, feeling confident that the voice and ear of such delinquents will be brought up to the standard in due time.

Without discussing the many interesting bearings of my subject

in an artistic sense, I will come at once to the practical issue. Can music, in its elementary and simpler forms, be generally taught in the common schools of our land? Can it be taught effectually and at the same time economically? and if so, how can it be done?

In reply to the first two branches of this inquiry, I say unhesitatingly, yes. It can be taught as universally and as effectually as reading, writing, geography, or arithmetic. For proof of this it is only necessary to drop in at any of the public schools in Boston, in Salem, in Lowell, and some other of the larger towns in this Commonwealth, and examine the pupils in music and the other studies I have named (so far as they have been pursued), and the proficiency of the pupils in music will be found as good as in anything else. That it can be taught as economically as the other branches, will appear when I state that the cost per scholar need not be greater than the price of the text-book which is required in reading, in writing, in geography, or in arithmetic; the only condition for this economy being, as I shall state more particularly further on, that a town or group of towns shall be large enough to allow the employment, at a reasonable salary, of a person competent to set in operation and generally to direct the plan of musical instruction.

In answer to the latter part of the inquiry — How can these results be attained? — I will attempt to describe, in a few words, the plan of musical instruction, as at present carried on in the public schools of this city, it being allowed upon competent and impartial testimony that the plan as here adopted is, on the whole, satisfactory and successful.

The chief points of this plan have been briefly and correctly stated by Mr. Philbrick in his last semi-annual report to the School Board. "On entering the primary school at five years of age," says this report, "the child is at once taught to produce musical sounds, and to sing little pieces adapted to his capacity. From this point the course of musical instruction is continued by an easy and just gradation all the way up through the primary, grammar, and high schools." "There are two features of the system," continues Mr. Philbrick, "which produce a strong impression upon the minds of competent visitors from other States and countries, — the thorough scientific training imparted to the pupils, and the provision requiring the instruction to be given mainly by the regular school teachers, aided and superintended by a limited corps of professional teachers of music."

At first but very little is done with text-books. A blackboard,

a piece of chalk, and a pointer are the implements mostly required. Very soon a series of charts is had recourse to, by which the teacher fixes the attention of the pupil upon the signs and characters employed in musical notation, and leads him by gentle and progressive stages up to the point at which it is as easy for him to read at sight and express in singing tones a musical phrase upon the staff, as to understand and articulate in words a paragraph in his School Reader.

The organization of the musical department of the Boston Public Schools is now as follows: —

The general control and supervision of the whole plan of musical instruction rests upon one responsible head, who is called the Supervisor of Musical Instruction in the Boston Public Schools, etc., whose duty it is to exercise a care and responsibility over the whole musical department of our educational system similar to that now exercised by the master of a grammar school over the various classes in the district under his charge. He is at the same time teacher of music in the high schools. The grammar department, which, under the new arrangement in gradation, consists of six classes in each school, is under the charge of three professional teachers of music, each of whom is responsible for the teaching in two of the classes of the same grade in all the schools of the city, with the exception of those in the newly annexed district of Dorchester. The primary schools are in like manner placed under the charge of one professional teacher, with the exception of Dorchester, as before mentioned. In this last-named district all the classes of the primary and grammar departments are for the present under the general charge of a single professional teacher; this provision is only temporary, it being intended another year to merge these schools in the Boston organization. All the officers and teachers above alluded to are subject to the executive authority of the Standing Committee on Music, who derive their power from the School Board.

Ten minutes in each session in the primary schools, and fifteen minutes each day in the lower classes of the grammar schools, are required to be devoted to instruction in music by the regular teachers of the schools. The first and second classes of the grammar department devote one half hour each week to this study, under the personal instruction of the professional teacher, and it is hoped that the Board will allow the further provision that ten minutes each day shall be given to such instruction by the regular teachers in these classes, in like manner as in the classes of a lower

grade. In the high school, a specified number of hours each week is given to this study under the personal tuition of the professional teacher, and, in addition, in the Girls' High and Normal School, such instruction is required to be given as shall qualify the pupils to teach in their turn this branch of study in our common schools.

The number of pupils whose musical instruction is under the general charge of the various professional teachers may be stated as follows : —

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|---|---|
| In the primary schools, under Mr. Mason | 14,387 |
| In the two lower classes of the grammar department, under Mr. Alexander | 7,814 |
| In the two middle classes, under Mr. Holt | 4,511 |
| In the two upper classes, under Mr. Sharland | 2,428 |
| In the high schools, under Mr. Eichberg | 1,355 |
| Besides which there are in the primary and grammar schools in the Dorchester District, under Mr. Wilde | 1,798 |

— This in August, 1870.

A definitely arranged programme of the course of instruction, so far as the primary schools are concerned, has been adopted, and printed in the Rules and Regulations, and a similar programme is in progress for the grammar schools. Pianos, the best of their kind, have been placed in all the high and grammar school-houses, and to a considerable extent in the properly graded groups of the primary schools ; which pianos are required to be kept in order and in tune, and to be used as *aids to*, *not as substitutes for*, musical instruction. The rooms without pianos are being supplied with a simple pitch-pipe, which can be made to give any sound of the middle octave in the treble clef.

An important point has recently been made in the establishment of classes for normal instruction in music among the teachers of all the schools, which is being carried out more or less faithfully by the professional teachers.

A combination of vocal and physical training, in connection with their musical tuition, has been devised for the younger pupils by the joint effort of the teachers of vocal and physical culture and of music. This proper training of the voice, it has been well remarked, is the best possible preparation for singing. A systematic and progressive course of musical instruction is thus given to all the pupils of the public schools in the city of Boston, — except the boys of the Latin and English High Schools, where the plan is not yet fully in operation, — commencing with the children of five or six years of age, when they first enter the primary school-room,

and ending with the highest class of the pupils of the Girls' High and Normal Schools, who are themselves preparing to become teachers in their turn.

Let us go over this method of instruction in somewhat of detail. And I will confine your attention more particularly to the stages of instruction during the period of primary and the lower half of the grammar school pupilage, *i. e.*, a period extending from the age of five to about twelve or thirteen years, this being the compass within which the large majority of the children attending our public schools may be found, and, to my mind, by far the most important age for public musical education.

The first attempt of the teacher is to gain the attention of the children by singing to them some easy melodic phrase within the range adapted to their voices, and asking them to repeat it after him, — to imitate the sounds he has given them, in their proper order. This, after a few trials, the majority of the class will do. Some ten or fifteen minutes are spent in this way, and they have taken their first lesson in music. It is purely a matter of rote-singing, of the easiest and simplest kind. The interest of the children is excited, their attention aroused, their appreciation of musical sounds for the first time perhaps awakened. A few lessons are given in this way at the outset.

But true rote-singing, as Mr. Mason has happily expressed it, is "a very different thing from the ordinary 'hap-hazard' singing we too often find in our Sunday-schools and in common schools where no regular instruction in music is given." It is an appeal to the imitative faculty, which young children possess in so great a degree of perfection; and hence the greatest care should be taken that the example be a proper model for imitation as regards method and style, and purity and correctness of tone, even in the utterance of the simplest musical phrase. These preliminary rote-lessons should therefore be given, when possible, by the professional teacher himself. And they must needs be few and not long continued.

Even at this early stage in the musical instruction great attention is given to the formation of a proper quality of voice. The difference between a good and bad quality is illustrated by examples. The child is called upon to use a smooth and pleasant intonation in speaking, in reading, in recitation, and in singing. Above all, he is taught to avoid a noisy use of the voice.

As preliminary to the exercise of the voice in singing — and it applies to the reading as well, — the young children are trained in the following points: —

1. A proper position of the body.
2. The right management of the breath.
3. A good quality of utterance, as just mentioned.
4. The correct sound of the vowels.
5. A good articulation.
6. Intelligent expression.

Care, too, is to be taken in the singing exercises of young children, that too great a compass be not attempted. The child is allowed to sing only in the middle register, or where he makes the tones with the least effort. Commencing our instruction with the rote-singing, as already stated, only the first five sounds of the G scale are attempted at the outset. Even within this limited range many of the best juvenile songs may be found. After the voice has been well practiced in this compass, it may be extended upward and downward to a judicious extent, taking care *not to strain* the voice in the least degree.

The pitch and compass of the voice having thus been attended to, musical phrases of easy rhythmical structure are next taught in double and in triple time, the rote method still being used. Various devices are resorted to to attract and keep the attention of the child to the lesson (*i. e.* marking the movement by a curve upon the blackboard, holding up the hand and pointing out the motives, sections, and phrases upon the fingers in turn, etc., etc.). At this stage, musical notation, in its simplest form, is begun. The teacher explains — gives examples which the pupil is required to imitate. With all these, practical exercises upon the sounds of the scale are intermingled.

In the second year of primary instruction, the pupil is taught to know the different kinds of notes and rests, to understand the nature of quadruple and sextuple time, and the manner of beating the same, the accentuation as applied to music, etc. He is also mildly indoctrinated into the mysteries of the chromatic scale, so far as the simple change from the natural into the keys of G and F major is concerned.

In the third and last year of primary instruction, he is taught to describe by its intervals the major diatonic scale, etc., etc.

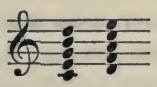
In the lowest class in the grammar schools, the pupil is rapidly led over the whole ground taken in his primary course, now and henceforward by reference to the musical characters; rote-teaching and rote-singing being for the most part abandoned. The child is now expected to begin to read the notation of simple musical phrases at sight. I cannot better explain the progress and method

of instruction in the lower grades of the grammar classes than by quoting the words of Mr. Holt, in his recent report of his doings, to Mr. Eichberg, and which appears as an Appendix to the Semi-Annual Report of the Standing Committee on Music, under date of 20th December last. He speaks as follows: —

"In my sixth class is commenced an intellectual study of the sounds of the scale.

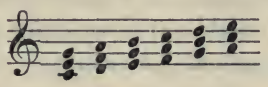
"To illustrate: Children are taught to recognize any sound of the scale, by its scale name; as, 1, 2, 3, 1, 4, 2, 5, 6, 4, 7, 8, etc.; and they will produce the same at the dictation of the teacher. This is to educate the ear.

"One or two minutes are spent in this exercise, which are followed by a representation of the sounds, thus: —



which trains the eye together with the ear.

"Five minutes are spent in this way, each day, as a drill exercise, followed by practice upon the music charts. The result of this drill is remarkable. The ear becomes so well trained that children will go to the blackboard and write the scale, or *pitch-name*, of any sounds given with the syllable *la*. This drill of single sounds is followed by Triad practice, after which the class is divided, an additional pointer used, and the pupil is trained in two-part harmony, thus: —

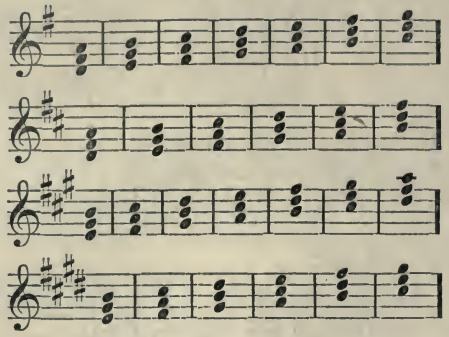


"This is followed by the practice of two-part songs upon the charts, together with the beating of the time; and, in addition to this, in the fifth and fourth classes, by the chromatic scale and a study of the keys which grow out of it, *e. g.*: —

"And such has been the progress that children ten years of age will go to the blackboard and write the pitch of any progression of sounds which may be given in any of the sharp keys.

"I think it is safe to say that at the end of the school year the fourth class will have so practical a knowledge of all the nine different keys that they will sing correctly any choral which may be written in any of those keys, at sight.

"The pupils become familiar with the position of each scale upon the staff, the same as in the key of C. To illustrate: —



In the third, or next higher class, is introduced the study of the intervals, the chords and the triads. At the end of this year the pupils can readily sing in plain three-part harmonies, and should understand all the signs and characters used in musical composition, and be able to comprehend and read at sight any of the music found in our ordinary collections of psalmody.

This, as I said at the outset, is as far as I think it expedient, for the present, to carry these illustrations, since it covers the most important part of the ground to be occupied in the general introduction of a system of musical teaching in the common schools of the land. Thus much, then, for musical instruction as it is given in the Boston public schools. The question now returns, Can such instruction be made available, at a moderate expense, in our public schools, generally throughout the country? And if so, how? and at what cost?

An essential element in the plan of such teaching, as we have seen, is this: that it be given mainly by the regular school teachers, with the aid and general direction only of a professional teacher. We have seen that a single professional teacher can superintend the instruction of a large number of pupils, — just how many, will depend upon circumstances. The number may be more or less, according to the density of the population, and to the general ability of the corps of regular teachers employed. In a city like this, where, we may perhaps say without boasting, that the standard of qualification is high, from 160 to 240 schools or classes, representing 8,000 to 12,000 pupils, can thus be taught.

In the neighboring cities of Salem and Lowell, and some others in this State, a single intelligent head has been found sufficient. The salaries might vary from $1,000 or $1,200 to $3,000 per

annum. My belief is, that in towns and cities not exceeding a population of 40,000 to 60,000 inhabitants, or in rural districts where a group of smaller towns and villages of perhaps half this population in the aggregate exists, and which could all be conveniently visited in a circuit of a week or ten days' extent, a single professional teacher only would be required. And in the latter instance a competent man who should be a resident of the district ought to be had for $1,200 per annum.

I take it for granted that all the regular teachers could do their part in such instruction if they would. It requires in the system we have been considering no special musical ability or previous training. An *aptness to teach* only is necessary, and any person who is fitted in other respects to hold the responsible position of a teacher in a public school has the ability, I contend, to learn in a very short time (under the direction of a competent professional head, such as we have named) how to teach the elements of music as well as the other studies required in our common schools. Nor is it necessary that the teacher should be able to sing in order to be successful in this branch of study, though of course it is an aid. On this point, says Mr. Holt, in his report to the Music Committee in 1869: "In the short time within which music has been regularly and systematically taught in the classes under my charge, only seven out of the two hundred and fifty-one teachers who have come under my observation have proved themselves unable to do their work satisfactorily. Of these seven, three exchange work with other teachers at the time of the music lesson, one employs a teacher from outside to aid her in this part of her work, who is present at the time of my visit to receive my instructions, while in three rooms the work is imperfectly done."

"With regard to the progress made in different classes," continues Mr. Holt, "it varies in proportion to the faithfulness of the teacher. I find that teachers who are regarded as superior in other branches, obtain the best results in music. And many of my best teachers are among those who had no idea that they could do anything in music when we commenced. . . . . I visit each of the two hundred and fifty-one teachers with their classes once in every four weeks; in this way I am able to help every teacher over any difficulty she may encounter, and to shape my instructions to the wants of each class."

Says Mr. Philbrick, in his report, to which I have already alluded, "The improvement in the method of teaching music has very naturally helped the improvement of the methods of handling

the other branches. As a general rule, teachers in an elementary school who teach one branch well, teach all branches well."

The cost of musical teaching to any city or town, or to a group of towns situated as I have said, having an aggregate population of say 20,000 inhabitants (one fifth of whom may be reckoned to be of the school age), ought not to exceed the sum of $1,350 per annum, and would be made up as follows: —

| | |
|---|---|
| The salary of the professional teacher, say . . . | $1,200 00 |
| A set of charts, with stand complete, for each school (say for 80 schools with an average of 50 pupils each, $11.25 ×80=$900), which should last with careful treatment six years, $900÷6= . . . . . | 150 00 |
| Making as above . . . . . | $1,350 00 |

The manual for the teacher, as also the pitch-pipe, is not included in the above expense, it being supposed that each teacher would desire to purchase and possess them. And with this manual in the hands of the teacher, the charts and the blackboard, I believe that up to the age I have indicated, text-books in music may be dispensed with altogether.

But if to this be added the cost of a pitch-pipe and a copy of the "Teacher's Manual" (explaining the use of the charts) for each school, the cost (on the supposition that these, like the charts, would last by careful using six years) would be increased by $26.67, — making a total of $1,376.67, or a trifle over thirty-four cents for each scholar per annum.

With such simple addition to the mechanism of our common school system of education and at so slight expense, an elementary knowledge of music could be diffused throughout the country. What variety and interest it would give to the dull routine of every-day school-work! What sunshine and gladness it would infuse into the homes and hearts of the people!

# INEFFICIENCY OF ECONOMIC LEGISLATION.

By Edward Atkinson.

The Legislature of Massachusetts has now under consideration a statute by which it is proposed to limit the hours of labor in certain employments to ten per diem, so far as women and minors are concerned; the employments specified being the manufactures of textile fabrics of various kinds. It is not denied by its promoters that the true object of this act is, to limit factory labor for adult men as well as for women and children to ten hours, as it is well understood by those who ask the passage of the act that it will be impossible to operate textile factories beyond the time permitted for women to work, since they constitute the larger portion of the factory operatives.

It is not intended here to discuss this question upon alleged specific facts in this particular case. The act is but one of many, proposed or enacted, by which it is attempted to enlarge the function of statute law, so that by means of statutes morality shall be imposed, leisure shall be inflicted, and prosperity shall be enforced.

If these ends could all be compassed by acts of the state or national legislatures, the progress of humanity might be much more rapid than it is; but it does not yet appear that any laws of this so-called "protective" character have ever proved efficient in causing a more equitable division of labor or of product than might otherwise have been had. In the category of protective legislation attempted in this country may be included usury laws, eight and ten-hour laws for adults, and protective tariffs.

The usury laws of this State and of several others have been repealed; and where they still exist they are not seriously defended, but are maintained from a superstitious deference to ideas based on semi-religious grounds rather than from any economic benefit attributed to them.

We are, however, still suffering under the infliction of an excessive and ill-adjusted protective tariff, and of a vicious currency; and to these causes may be attributed the discontent of the laboring population, the demand for eight-hour laws, and the growing antagonism between labor and capital which has so long caused

disorder in other countries, but from which we have been until quite recently so happily free.

This discontent, and the endeavor to secure a more equal distribution both of labor and of wealth through the enactment of statutes, is not to be attributed to any absolute increase of poverty or ignorance in this country, but rather to a dim perception on the part of the mass of the people that through some process of law the rich are richer and the poor are poorer than either would otherwise have been; and since they perceive that some are made richer by means of one statute, they infer that others may gain either high wages or leisure, or some other desirable end, by the enactment of another statute. Hence the attempt to correct every great or petty grievance by an appeal to the Legislature or to Congress, and to secure a good subsistence and individual prosperity by legal methods rather than by persistent industry and economy.

The applicants for protective legislation of the character designated, fail to see that wealth gained by the few if gained at all, by means of a protective tariff or a legal-tender act like our existing law enforcing the use of paper money, and the leisure secured by eight and ten-hour laws, are all gained at the cost of the mass of the consumers of all products, of whom not one in ten can be called capitalists. Whereas in the absence of legal interference, except to provide for justice and liberty, wealth honestly acquired is proof of service rendered to the community, and leisure fairly earned does not imply harder work for those who continue to labor.

What then are the factors which constitute the elements of the problem of material prosperity; and what is the limit of statute law in regard thereto?

To the first question the answer is, Production, Distribution, Consumption. The accumulation of wealth or of capital is the secondary consideration.

The end sought both in the labor of production, distribution, and the accumulation of capital, is consumption. Material prosperity consists in the most ample consumption in each and every year or day of articles of necessity, comfort, and even of luxury, by every person, and great evidences of accumulated wealth are most unsafe criteria by which to judge of the condition of any people. The true justification of wealth is, that it shall be so used as to increase product.

This fact is made obvious by a consideration of the proportion which the value of the annual product of the United States bears

to the accumulated wealth of the country. This proportion has been established as being about one to three or three and one half. In other words, the value of all the improved lands, buildings, railroads, factories, workshops, tools, implements, live stock, and property of every description, does not exceed three to three and a half times the value of the annual product of the country.

If the value of land be deducted from the aggregate wealth of the country, and an estimate be made of that portion only of our wealth which represents actual labor saved for future use, it is doubtful if we have accumulated capital equal to more than two years' product, both being estimated at market prices. Our most useful accumulations of labor are those which become gratuitous or common to all, such as highways.

It is a well-established law that the accumulation of wealth shall be very slow, and its maintenance difficult. Human progress requires constant effort, and the Almighty does not long permit any portion of the race to be idle. The absolute destruction of what has been wealth often marks a greater step in the progress of any people than positive accumulation; the change, for instance, from canal and turnpike to railroad transportation caused the destruction of much capital previously accumulated at great cost of labor, and rendered it necessary for many persons to work again who had for a time lived on the income of previous savings. Old machinery must be constantly broken up and new machinery constructed, in order that the cost of production may be reduced and the abundance of things be greater.

The only resource to meet the need of rich and poor, the only fund upon which we can depend for the increase and maintenance of capital and the subsistence of the whole people, is the annual product, and of that at least nine tenths, probably a larger proportion, must be immediately consumed. If we could all spare the work of six months, the result would more than pay the national debt; but the attempt would be suicidal.

It is estimated that only about one tenth part of the product of each year is, or can be saved, to repair the loss or wear of capital previously accumulated, or to add thereto; and it is also estimated that not one adult person in ten, of those who die, leaves any estate which requires legal administration. It may safely be said that the average life of capital is not equal to the average life of man; it is only maintained by constant reproduction.

Hence it appears that the material comfort of the mass of the people is in direct proportion to the production and the consequent

consumption of each year, and that the accumulation of wealth, except that portion of it which is actually used to increase production or facilitate distribution, is of the least possible importance.

It is not intended to undervalue the possession of wealth, even of that which is not used for strictly utilitarian purposes. Its enjoyment is the right of every one who gains it, provided it has been gained by just methods, and not by force of statutes, which cause an inequitable distribution, and such possession and enjoyment is not at the cost of the mass of consumers. Yet the tone of documents lately printed under official sanction in this State is to the effect that the rich wrong the poor by the very fact of possession, and that if capital did not insist upon an unfair share of the annual product there might hardly be any poverty, or even any severe and arduous labor necessary to gain a subsistence.

As I have said, it is estimated that the share which capital secures from annual product is not more than one tenth, and even of this only a small part accrues to those who expend it for mere luxury. By far the larger portion of the share of product secured by capital is used in such manner as to increase the general abundance.

The true cost of the support of the rich is what they consume, and although this particular time is marked by more extravagance and waste than was ever known before, yet if a different distribution of what is now wasted by the rich could possibly be effected either through statutes or in any other artificial manner, the effect upon the general condition of the people would scarcely be felt.

Extravagance and waste mark the methods of those who have but little to spend, as well as of those who have much; and it is safe to say that if those who now work so strenuously for the enactment of protective tariffs, for eight-hour laws, and who otherwise attempt to promote abundance by statute, would spend the same force in teaching the ignorant how to make the best use of what they do earn, especially in the preparation of food, the results would be far more beneficial to humanity.

Large production and ample consumption are the main things to be desired, and these are to be found in intelligence and self-reliance with the least possible interference of meddlesome statutes.

Upon what, then, does this large annual production and consumption depend? Simply upon the number of hours of human labor or effort which shall be intelligently directed to guiding the forces of nature. We can make nothing; all that we can do is to move something. Production is but the leading forth of the gifts of God

to the use of man. We move the soil, and we move the seed, but God gives the harvest. We build the dam, and move the wheel to its position, but God gives the rain and the power of the fall.

The forces of nature are ever the same: intelligence, effort, and time are necessary to their use, and are each and all conditions of plenty; the proportions may be altered, but neither can be omitted. The one element which all share alike is *time*. Persistent industry is the beneficent condition under which the Almighty permits the existence of mankind upon the earth, and the enjoyment of leisure is in direct proportion to the intelligence with which the forces of nature are made a substitute for muscular toil or drudgery.

In the natural order, the application of the power of steam, while it raises a few persons to great wealth, also redeems the mass of working people from the necessity of long hours of muscular or manual drudgery; hence the same or a greater product than before, with fewer hours of labor in the aggregate. Those who apply to the legislature, and ask for an act arbitrarily shortening the hours of labor, are attempting to substitute a statute for a steam-engine. If, with all our steam-engines and other inventions, and all our improved methods, not one person in ten has any substantial amount of accumulated wealth, and if only one part in ten of our annual product can be saved either to maintain or add to capital, it is obvious that a very small portion of each day's aggregate work can yet be spared without at once impairing the comfort of all those who have accumulated no surplus.

And even of those who accumulate property a very small portion can long cease from work; not one in a hundred. What, then, is the average number of hours per day during which the men and women who perform the work of production and distribution are now employed, — the farmers, laborers, artisans, mechanics, operatives, servants, merchants, shopkeepers, lawyers, teachers, and all others who are not mere consumers? Can it be estimated to average less than ten hours per day? If, then, ten hours per day produces that abundant product of which nine parts are and must be at once consumed, and one part only can be saved, an arbitrary shortening of the hours of labor by force of law to nine would at once cut off that portion of product which now becomes capital, and if a general eight-hour law were enforced, the other hour would take away one ninth part of the subsistence of the people. Time is but the synonym for product.

But if production and consumption were thus impaired, would

that which continued to be produced be any more equitably distributed than it was before? Would the capitalist cease to exist, or to charge interest upon his money, or rent for his house, or large compensation for the service of his brain? Far from it; with the less rapid accumulation and smaller supply of capital, the relative share of annual product accruing to the owner of capital would be greater, although his absolute share might be less. He might secure $45 out of each $800, where he could only have had $50 out of each $1,000, had not the hours of labor been arbitrarily shortened. It may be alleged that those who ask to be restricted by statute as to the number of hours which they may work, thereby declare themselves incompetent to manage their own affairs, and demand to be deprived of their liberty to dispose of their own time; having now this one element of production on exactly equal terms with all other men, they ask to be made unequal by restrictions upon themselves. In other words, they ask to be put under guardianship. This claim is well made on behalf of those children whose parents cannot or will not protect them from overwork, but so far as adults are concerned, success in the attempt to make and enforce such a law would simply give them leisure time at the cost of less food and clothing, and a poorer shelter.

It is alleged that the shortening of the hours of labor, even if secured by statute, will not decrease product, because the operatives will be able to accomplish more in each hour of the short time than they now can in each hour of the long time. If this be so, no statute is required, as the interest of both owner and operative will surely adjust the general hours of labor to the most effective point. It is as much for the interest of the employer to avoid an excessive strain upon the operative as it is to avoid running his machinery at such a high rate of speed as to make excessive and costly repairs necessary.

In employments in which the labor is much more constant than in a textile factory, the hours of labor are much shorter, and in general it will be found that the hours of work are in the long run fixed by the nature of the occupation. We have not yet reached that stage in the general struggle for existence in which any large portion of any day can be spared for leisure, in the ordinary sense in which that word is used, without such leisure being at once felt in a scarcity of products; and scarcity affects most adversely those who depend on each day's work to meet each day's need.

It may be said that legislation should be had to meet this particular case of labor in textile factories, but we are not considering

special cases; the act now sought is but one phase of the general attempt to shorten the hours of labor by statute in order that operatives may have more leisure.

It is not denied that restrictive legislation is entirely right in cases in which it can be conclusively proved that injury is being done to health either by overwork or want of sufficient precautions, but even in such cases legal enactments are not universally applicable. For instance, no attempt is made to restrict men from working in white lead factories if they choose to do so.

It is a significant fact that the agitation of the labor question in this country comes most urgently from persons employed in those branches of occupation which are most affected by a protective tariff, and in whose behalf protective tariffs are ostensibly demanded; namely, from the coal and iron miners, and the workers upon textile fabrics. It may be that we can trace the connection.

A duty is now imposed upon coal which amounts substantially to a prohibition of imports, and also upon iron and steel for other than revenue purposes. It cannot be doubted or denied that the statute law imposing these duties has caused many men to become rich who would not or might not have been able to gain wealth by their own skill or industry. It cannot but be obvious to the miners and iron workers that many of their employers have thus gained wealth by force of law. Upon examining the plea for such acts, they find the reasons assigned by those who promote the enactment of a protective tariff to be three, as follows: —

1st. "We are infant manufacturers, and need to be protected until we have learned our business."

2d. "We have but little capital, and the capital owned by others is so well employed in other business that we cannot borrow it or induce its investment in coal and iron works unless a higher rate of interest than the high one now obtained in other pursuits is warranted by statute."

3d. "Labor is so well employed in other pursuits than mining coal and making iron and steel, that wages are everywhere very high, and we cannot entice laborers to our works unless it is guaranteed by statute that we shall pay, and continue to pay, yet higher rates. 'Give us, therefore, a tariff' that shall increase the cost of the products of foreign paupers if any one attempts to import such products."

The miners and iron workers next perceive that their employers are closely combined in a compact trades-union called an asso-

ciation, which has great power, and can exert great influence in the enactment of statutes.

A tariff being enacted, the whole scheme works well for a little while; the profits of mines and iron works are very great, and wages are very high. But presently the production of both coal and iron is greatly increased; but the cost to consumers having been enhanced, the demand is checked; prices then fall, and work must cease, or wages be cut down. Now comes resistance: the workman says, "You called in the force of the law under the pretense that it was for the benefit of labor; you have reaped the profit, now maintain our wages." Can it be wondered at that ignorant men should combine, and use the same force to maintain their wages which the masters have used, although in a concealed manner, to secure their profits?

In the textile factories the case is somewhat different, but the argument for the exclusion of the product of foreign factories is the same. It has been alleged that if the foreign fabric is admitted without artificial enhancement of its cost, our factories cannot be built or run. It is claimed that we need high duties in order that we may be able to pay high wages. Is it not then perfectly fair for the operative to say, "If by one statute you allege that you are enabled to pay me high wages, can I not, by means of another, secure both high wages and shorter hours?"

The argument is the same in both cases, and one statute is but the logical complement of the other. Both seek to enlarge the function of statute law, and to substitute legal enactments for skill, industry, and economy.

The fallacious reasoning in both cases arises from the confounding of the ideas of selfishness and self-interest. The advocate of a high tariff proceeds upon the thesis that all commerce is purely selfish, and that every foreign merchant or manufacturer who sells us goods must in the nature of the case seek his own gain at our loss. If this were so, it would be equally true that our sale of some other article to the foreign merchant would be for our gain and his loss, and as there can be no purchase without a sale, and all commerce is but the exchange of commodities, we should upon this thesis have the strange anomaly of two men or two nations making exchanges at a loss to both. It needs but a moment's consideration to perceive that any such transactions could not be maintained, and that unless both nations gain by the exchange of commodities, commerce between them must cease.

The thesis upon which the so-called labor reformers proceed is

that all employers or capitalists are controlled by purely selfish motives, and willfully seek to depress wages and to enforce long hours; the truth being that the self-interest of employers as a body counteracts the selfishness of the individual men who compose their number. Self-interest dictates the shortest hours which the condition of any specific employment will permit, the best provision for the health and comfort of the workman, and the highest wages which the condition of the market will allow; because it is only by such means that the best and most intelligent workmen are to be obtained. If those who pretend to dread the effect of the importation of the product of foreign paupers and barbarians would but analyze the cost of their own manufactures, they would find that wages are no criterion of cost, and that, perhaps, their cheapest goods were produced by those who earned the most money. The wheat manufacturer of the West who produces his crop by the application of machinery, and earns high wages, or, if he is his own master, gains large profits, nevertheless competes successfully with the poor English peasant, who has but sixpence a day.

The Lowell weaver, at five or six dollars a week, produces cotton drilling which is sold in the China market at a profit, notwithstanding the fact that wages in China count almost in cents against our dollars. When Cape wool was not considered too great a luxury to be imported from the Cape of Good Hope, although it was the product of barbarians, we paid for it very largely in agricultural tools and furniture, made by workmen whose wages were two or three dollars a day.

It is also true that it is for the self-interest of all employers that the general standard of wages should be high, because the great body of consumers consists of those who work for wages, and they are therefore the largest and best customers.

If all operatives were either ignorant or children, the force of statute law might not only be needed to control the hours of their labor, but by the same logic it should be enacted what they should eat, drink, and wear, of whom they should buy, and to whom they should sell. It is not yet proposed to regulate by statute what shall be eaten, but it is now prescribed, or attempted to be regulated either by State legislation or by a tariff, and by a national eight-hour law, what men and women shall drink, how many hours a day they shall work, what clothing they shall wear, what fuel they shall burn, what houses they shall build, with what tools they shall build them, and of whom they shall buy all that they need.

To this extent has the attempt been made to deprive men of their liberty under the guise of law; hence labor is discontented, capital is timid, intemperance is rife, public corruption and private fraud are steadily increasing, and respect for law is being rapidly destroyed because the law-making power is used as the instrument with which the people are fleeced.

It cannot be said that such economic legislation is inefficient, but on the contrary it is most efficient for evil. As men are constituted, statute law is necessary in order that there may be liberty. Injustice must be prevented, vice must be restricted and reformed, association both of labor and of capital may be provided for, and education must be promoted; but when statutes are framed to create artificial obstacles to free exchange, they become restrictions upon liberty, and tend to cause scarcity rather than abundance of things needed to supply our material wants.

The second question suggested at the beginning of this article opens too broad a field for the answer to be more than indicated within the limits of this paper.

May it not be said that the limit of economic legislation is to restrain abuses and not to prescribe uses?

It has been truly said by Professor Bonamy Price, in his lectures to Oxford students, that "The power and prosperity of the country, the well-being of its population, their sense of the justice of its legislation and their contentment with the social order which surrounds them, are largely involved in a correct apprehension and a firm application of the teachings of the science of Political Economy."

It is to our great loss and present confusion that the study of this science has been so much neglected in this country; were not such the fact, an apology might be called for on account of the restatement of some elementary principles in this article.

# RELIEF OF LABOR.

By Samuel Eliot.

"From toil he wins his spirits light,
From busy day the peaceful night;
. . . . . .
And hies him home, at evening's close,
To sweet repast and calm repose."

The contrast between this vision of the laborer and the reality of his lot is visible everywhere. If he is at peace, it is too often the peace of privation. If he struggles, it is too often a death struggle, more fatal to him and to his than to those whom he calls his enemies. "What do you want?" asked the Paris correspondent of a London journal, as he passed a sentinel at a barricade during the recent insurrection. The sentinel took from his pocket a paper containing the programme of the club to which he belonged, and the journalist read, "What is the producer? Nothing. What ought he to be? Everything. What is the workman? Nothing. What ought he to be? Everything." If Paris were the only spot where these things were on the programme, or if its sad and wicked insurrections were the only fruits from such seed, there would be less concern about them. But the same ideas are floating far and wide, the same seeds are scattered by every wind over sea and shore, and if blood is shed one day at Paris, it is shed another at Scranton; if English women and children starve while their husbands and fathers strike, so do American; if the working classes are all in angry motion throughout Europe, they are not contented or pacific in the United States. "We have reached a point," says a Massachusetts mechanic, "where intelligent labor has developed such social needs as to require an income that will not permit the continued accumulation of the vast sums in the hands of non-producers which has hitherto characterized modern civilization."

Labor demands relief, here as well as elsewhere. As to the form which relief should take, there is little or no agreement; but as to the fact that relief should come, there is little or no disagreement. Little or none even among those against whom the demand is preferred. "Yes," says the capitalist, who would not part with

a dollar of his capital or of his interest, to effect it; "Yes, labor should be relieved, and if it is, capital will be relieved likewise." "Yes," says the shrewd manufacturer or miner, "let labor have its sop, if nothing more; and my works will be more productive, my profits more abundant, the whole thing more satisfactory." "Yes," says the benevolent employer, "it is time that my work-people and I should understand each other, and that they should have what they want, within the bounds of reason, as something that I want with them." Very few, of any sort or condition, deny that labor is unsafe, and that it would be better safe; that its wrongs, if real, should be righted, if imaginary, explained away; that its wants, if actual, need to be met, and its claims, if well founded, to be considered. Not the laboring class only, but every class, the farthest from as well as the nearest to the workman, is becoming interested in a peaceful issue of the questions now driving over the face of society like a northerly gale. Society, as well as labor, needs relief.

Why, then, does not relief come? If labor demands it, and other interests require it, why is it delayed? The first reason is to be found in the disagreement as to the form in which relief may be obtained. Perhaps the trouble has arisen from thinking too much of the form, and too little of the substance. To those of us who look on from a little distance, it seems as if questions of principle might be brought into the foreground now occupied by questions of expediency. There is such a thing as being over-practical, especially in matters of this sort, and then the result is impracticability. Reforms are not like coins that can be struck off on precise weight or size. They are sensitive, illusive, evanescent, and he who would handle them must be careful of excessive method, or they will break in his grasp. At the same time, one cannot overestimate the importance of giving them some consistency. Chaos and darkness belong together, and as long as measures are confused or contradictory, the light remains far off. Those who would give relief to labor are just as much puzzled as those who would receive it by contradictions among the projects concerning it, *informes hiemes*, so many shapeless storms. To simplify them, to give them a definite aspect which can be first understood, and then, if possible, agreed upon, is of the first necessity.

But the difficulty of doing this is indefinitely increased by the excesses on the side of labor or its would-be champions. Like Dr. Chalmers on his holiday, they give themselves up to miscella-

neous impulses. They are not the laboring class as a whole, but the self-appointed leaders of the class who get the bit between their teeth and defy restraint. Labor, in their persons, has been on the rampage these many years. It has laughed at precedents, defied restraints, held nothing too plain to be denied, or too sacred to be blasphemed. It has clamored not so much for relief as for revenge, revenge not upon itself for its own infirmities, but upon those who have not shared them, as if it were an injury past all bounds to be free from the weaknesses into which labor fell. If the hours of labor were twelve a day, they must be made ten; if ten, eight; if eight, still capable of being reduced. On the other hand, wages must be as great for the shorter as for the longer day, for poorer as for better work, indeed for work hardly worthy of the name. If any classes in the community had more possessions or more privileges than the working class, then they must divide them as spoils, though no victory had been won. In short, the right of labor to claim anything, and to get as much of its claim as possible, has been held to be unquestionable.

To all this there has been a counterpart. The more audacious labor became, the more grim was capital. Singular enough, the capital of to-day is the labor of yesterday, and yet the former sets strong walls between itself and the latter, and the moment it gets behind them —

> "Up drawbridge — grooms — what, Warder, ho!
> Let the portcullis fall."

But that is not the natural, and therefore not the enduring relation between the two. If, like two goats upon the narrow path along the precipice, they meet, and meet to withstand each other, there is only one issue; another comes with yielding on either side, and capital should be the first to yield, if there is any such thing as magnanimity in the economic relations of mankind.

It needs not, however, to bring charges, direct or indirect, against labor or any other interest, in order to comprehend the slowness with which relief advances. There is a general law under which all social improvements linger a longer or shorter time before being perfected. The fact that they are improvements suggests something antecedent which resists them, and something concomitant or subsequent which hinders them; interest, passion, error, the varying traits of one unvarying humanity. It is eighty years since Burke lamented that the age of economists had succeeded to the age of chivalry; yet economists are as much

baffled in dealing with some of their work as if their age had never dawned.

The troubles of labor are twofold. Human nature is responsible for a part of them; human society for the rest. Society has made capital mistakes, it seems clear enough now, in its customs and institutions respecting labor; as for example, in its educational systems, or in the division of the labor class from other classes, or again, in putting that class upon wages instead of giving it independence. In seeking relief for labor, we have to take such things as these into some sort of consideration. Ought we not, in truth, to give them the first consideration as things that are essential, while others, or most others, are superficial?

As to finding what we seek, so far as human nature is concerned, there may, indeed will be, a doubt. Even they who think best of this principle, as the New England farmer called it, cannot but allow that at present, and in the immediate future, to say the least, it blocks a good many upward paths. Yet it would never do to admit that the instincts or appetites with which we are endowed, and by which we may be driven into evil, are to be eradicated or essentially transformed, before labor, or other suffering interests can be relieved. All that is needed, is the control of human passions. All that is to be prevented, is the abuse of them. If human nature cannot be altered, it can at all events be turned.

Society can be both turned and altered. If it is wrong about labor, it can be set right; if it is moulded upon untenable models, it can be re-fashioned. Men do not exist for its sake, but it exists for theirs, and if its functions fall short of their necessities they have the remedy in their hands. The history of society is one long tale of shortcomings. What it does for one generation is not enough for the next, and the wants of that are outstripped by the wants of its successors. Social institutions which stood in Greece fell in Rome; others which flourished there, decayed elsewhere, and so on through the barbaric and the feudal ages, down to these ages which we call modern, but which will soon be ancient, the work of society, like that of Penelope, is pulled out every night, to be rewoven every day. In this there is nothing hopeless, but on the contrary everything hopeful.

To relieve labor, the first change required in society is one of opinion as to how the laborer should live. If like a brute, then keep him in the holes and sties where he has managed to eat, and sleep, and die; where his wife has led the life of an animal, and where his children have hardly any life at all. But if like a man,

if like his fellow-beings, then let the laborer be taken out of houses which others have forsaken before he was admitted, let him and his family be led forth from the squalor and degradation of the tenement to the purity and aspiration of a home. He must be led, that is to say, in the great majority of cases; he cannot lead himself. He neither knows what he wants, nor has the means of satisfying the want, supposing it to arise within him. It must become a part of our social economy, to provide homes for the working man and the working woman, not as a charity, but as a necessity to those who do not occupy them as well as to those who do. Society, for its own sake, is to be persuaded that the laborer must live like its other members, and that to help him live like them, it must frame a law, or form a public opinion more powerful than any law, by which certain buildings may be inspected, condemned, and razed. Once remove the things that used to be houses, and still pretend to be houses, and a very different class of habitations will be constructed. Interest as well as benevolence will lead to it, and the improvement of estates will become coincident with the improvement of habits and morals and lives.

The next change for society to try is one in education. Which is now the least poorly educated in respect to all ideas or observances of political economy, the child of the capitalist, or the child of the laborer, it would be hard to decide. For they are both as ignorant of these matters when school-days are over as when they began. Much of what the richer need comes with conversation or reading about their firesides; and so when they reach manhood they have their notions, and not altogether incorrect ones, about labor, production, and the social state. But where the poorer are to pick up anything, one cannot see. The talk they hear only makes them more ignorant. The books they read only leave them more helpless. So that when they grow up, even when their minds are comparatively mature, they have but ghosts of thought about these matters, ghosts that wail and curse often in lifelong darkness. It is a happy omen that industrial education, training in the use of machines and tools, training in the use of eyes and hands, is spreading from town to town, and from school to school. It is the first step in the direction of educating labor, and it is not the last. Close to it, hard upon its heels, follows social education, training in the laws of society, in the relations of class to class, and of man to man, in the questions of production and consumption, wages, exchange, and wealth. Why should it be so long in

coming? Why should my carpenter's apprentice be taught the longitude and latitude of Zanzibar and learn nothing about the functions of labor? Why should that washerwoman's daughter be quick in reducing a complex fraction, and struck dumb if one asks her what is done with her mother's deposit in the savings bank? Why should the children of the poor grow up with a sort of Hannibal's vow against every rich man as if he were responsible for their privations?

But there must be something beyond any single branch of education, something of broader reach and fuller fruit, before labor or society can be regarded as properly trained. What we all want is training of the reason. Other faculties are tasked and overtasked, but the reasoning powers suffer from inaction, and shrink up like a limb that cannot be used. If they had been developed among either employers or laborers, the relations between these classes would never have got into their present state of disturbance. Nor is it too late to call them forth, and to give both sides a chance to think out a few simple questions, such as whether there really *are* two sides, or if so, whether they need be so any longer; whether it is not possible for such divisions to be softened; and whether it is not just as much for the interest of the higher division as for that of the lower, to bring the latter up to the higher so that at least there may be only a slope from one to the other, instead of a yawning gulf between them. Such points as these jutting above the waste of waters, like ridges or peaks above the flood, can hardly be descried, much less reached except through the reason. Imagine, then, the difference to labor, as to all besides, if the first place in our schools were given to reasoning, the second to it, the third to it; in short, if it were treated as the memory is everywhere, or the power of observing somewhere, instead of being left nowhere.

Society also needs revision of its institutions. Economic reforms during the last few years particularly, have centred in systems intended to bring the laboring class into new relations among themselves, or with the employing class. Such systems are very necessary. If unwise or immoderate, they do more harm than good; but we speak of those only that bear some mark of wisdom or moderation.

If they were ideal, they would facilitate the removal of the two great stumbling-blocks in the way of labor, namely, the separation of the laboring class, and its dependence upon wages. To their effect upon these, whether greater or less, we may refer as to a

test by which they may be judged. Whatever they do towards lessening the isolation of the working class, whatever towards giving it a better support than wages only, is so much to their credit. How much ought to be expected from them is another question, to be answered decidedly or doubtfully, according to circumstances and the temperaments of men. That there has been, is, and always will be a laboring class, so called because laboring with hands, is not only a fact, but a necessity. The world would have to be made over, before its need of manual labor could cease. The very problem before us, the relief of labor, implies not the cessation but the continuance of a class engaged in it, and who so wild as to have it otherwise? But the existence of a class is one thing; its segregation, another. The line between it and other classes may not be effaceable, but it may be drawn less heavily, and the division indicated by it may be less abrupt and less complete. Whatever, therefore, tends to throw labor off from capital, for example, is to be deplored; whatever tends to bring them nearer is to be welcomed; and that there is a capacity in organizations to throw off or to bring near, cannot be disputed. They are therefore to be estimated according to this capacity, and if it is such as to render the laboring class more like those around them, more harmonious in interest, more identical in purpose, then it is certain to put an end to the segregation of labor. So with regard to its dependence upon wages, one may say that while wages must continue to be one of the systems by which workingmen obtain the fruit of toil, they need not be the only system, or so nearly the only one as they have been. To put a man upon wages, is to put him in the position of a dependent. Nay more; the longer he holds the position, the less fit he is for any other, the less opportunities he has for self control or the higher business faculties, the less of a man, in fine, he becomes. Institutions are to be judged, therefore, according to their use or disuse of the wages system. The abolition of it is impracticable, but the reduction of it to lower terms, the employment of it as only one way, and that not the best way, of rewarding labor is as practicable as desirable.

Earliest of the institutions to which we have been referring were the combinations of the laboring class called Trades Unions. Weary of their struggle single-handed, workmen threw themselves into associations for the purpose of giving battle more successfully. At first defensive in their attitude, they bore themselves temperately as well as gallantly, but the temptation to act on the offensive was irresistible, and they soon bore down, not

only upon employers, but upon all the employed who would not join them, claiming the whole field as their own. The character of the Unions became, if it was not from the first, essentially military; their discipline that of an army, their law that of courts-martial. The *ultima ratio* of kings was the *prima ratio* of Trades Unions. No one can question their right to combine. But their right to wage war upon one another and upon all around them is very questionable. At some future period, their history will be read with unmixed surprise. The reasons for their formation will not be plain enough, nor the apologies for their excesses be full enough, to render them intelligible. It will simply appear that at a time when working-men were suffering from their relations with their masters, they sought a remedy in associations which far from reconciling them with their employers, set them at variance with their fellow workmen also, and subjected them to a tyranny such as capital had never wielded. These, however, are the accidentals rather than the essentials of Trades Unions. Nothing in their nature, as combinations of labor, renders them necessarily aggressive or despotic. At present, if we are not mistaken, they are drawing back from some of their hostile positions, and taking a more pacific course, averse to strikes, and intent upon less costly victories. Perhaps this arises from the consciousness of strength, for they have become very strong, with branches throughout Europe and its colonies, and in the United States, counting members by ten thousands and receipts by hundred thousands. Not content with their own separate organizations, they are now combined more or less intimately with the International Workingmen's Association, originally established to prevent laborers being introduced from the continent to take the place of Englishmen on a strike, but for several years past, holding congresses and setting forth declarations upon all questions in which labor is concerned. So the National Labor Union of this country has held its congresses, and declared its proposals for the amelioration of the laboring classes. If planning were enough, without executing, these assemblies would have rendered all further measures of relief unnecessary.

Coöperation is the general name of other movements, less pretending than the congresses, less aggressive than the Trades Unions. It is a term of rather loose application, but without attempting to be precise, it sufficiently describes three different forms of combination. One is among consumers, or societies of consumption, who establish stores of provisions, fuel, clothing, and

other articles, to be sold to members at cost, or if at a profit, on the understanding that the profit is to be divided among them at stated periods. This is Coöperation in its simplest form, and so easy of introduction, that it has spread beyond the working class, strictly so termed, to government offices and the professions, especially in Great Britain, where it found and still finds special favor. Indeed it is susceptible of almost universal application, not only among those of the same calling, but among those of the same neighborhood. It answers but one purpose, however, that of saving, or as applied to wages, of making them go as far as possible; and is therefore wholly inadequate to give more than a partial relief to labor.

The other two sorts of Coöperation are more complicated. They may be grouped together, because both of them have the same object, namely, to save the laborer from dependence on wages alone, and to give him some opportunities as a capitalist. They are societies of production and societies of credit. The former, more common in France than elsewhere, combine for the purpose of producing in the interest of the actual producer, that is, the workman. Mostly confined to manufactures, they have proved successful, both in the quality of their product and the distribution of its value. Their capacity of engaging in other industries, though not so fully tested, seems to be unquestionable. Societies of credit, like the People's Banks of Germany, fully described in the first number of this Journal, undertake to supply the laboring class with capital. They require the payment either of a small entrance fee or of a small assessment, so much a week or month, or both fee and assessment, from every shareholder. What he contributes goes wholly or partly towards paying for his share or shares in the society, the value of the share varying of course with the importance of the society. He has a right to vote for managers, and thus to take part in the administration of the society. But what he probably cares more for is the power of borrowing money without security, to the extent of his share or shares, and with security, to any amount which the management may approve. Thus banking facilities, once the characteristic and the monopoly of capital, become the privilege of the laboring class. These societies, both of production and of credit, have enabled large numbers of every community where they have been organized, though possessed of no other means than a little store of savings at the start, to support themselves and their families more comfortably, to give their children a better education, to

extend their industry, and last but not least, to secure a fair measure of independence for themselves and all belonging to them. But while they have done this, and deserve the greatest credit for having done it, they have not and perhaps they cannot bring the division between the laborer and the capitalist to an end. Coöperation is not between the two, but of laborer with laborer; and herein it comes short of effecting the relief which labor needs.

Another organization has brought the laborer and the capitalist to terms. This is Arbitration: a name not quite exact, inasmuch as it applies only to one part of the work and that the last part. Boards of Conciliation and Arbitration, as they are more fully styled, are composed of representatives from employers and employed either in a single establishment or in a group of establishments in the same business. The representatives of the employed are paid out of a fund contributed by their constituents; the object being simply to make up the day's wages which they lose by attendance at the Board. The officers of the Board are taken from both parties, and in all measures each has an equal influence and an equal voice. At every meeting — once a quarter, once a month, or as often as need be, — the Board takes up all the points at issue, the state of the works, the market, supply and demand, and fixes the rate of wages for the ensuing month, quarter, or other period. This can be done without delay or disagreement, and the Board then separates without having exercised any function to be termed Conciliation or Arbitration. But in case of difficulty, its conciliatory offices begin; the representatives of the employers make their concessions, or those of the employed make theirs, or both accept a compromise. When this cannot be brought about, when Conciliation fails, then Arbitration comes into play. But Arbitration is not the office of the Board itself. At the moment of its organization, and afterwards at the opening of every year, an umpire is chosen in order to secure the possibility of appeal, whenever the Board cannot bring a question to decision. This umpire is generally selected from a professional rather than a business class, as more likely to be impartial, and one may add, competent in determining a case according to general, not special principles. The fact that such an umpire waits to decide questions undecided by the Board must exert a marked influence in bringing that body to a decision, whenever possible. But when impossible, it is turned over to the umpire, and the course then taken may be best described by one who has served

in that capacity. Mr. Thomas Hughes, in a speech at the Cooper Institute last autumn, said: "You may be interested to hear how the Courts are carried on. In January last I went down to hold one at Middleborough, the centre of the North of England iron district. Trade had revived, and though some advance had been given, the men thought they were entitled to more. The dispute had become bitter. The interests involved amounted to millions. The Court sat in the Town Hall — 14 employers, the leading men of the district, on one side of a long table, 14 from the works of these employers on the other. We sat for two days. During the first hard things were said, and blunt contradictions as to facts and figures flew about. On the second the angles seemed to have been rubbed off, and both sides spoke quietly and fairly. At the end of the day the employers went into one room, the men into another. I carried proposals backwards and forwards for perhaps half an hour, and at the end of that time had the happiness of getting the signatures of both sides to an agreement which settled all questions in dispute, and bound employers and workmen for a whole year."

Arbitration Boards in England are of two kinds, one leaving the execution of a decision to the good faith of those concerned, the other appealing to the law in case of resistance; but the former is the only system from which labor can expect any real or general relief. It seems impossible to speak too highly of Arbitration, as far as it assumes to go. What it undertakes to do, it does, and does so efficiently, that its founder, Mr. A. J. Mundella, could say before the American Social Science Association, there had not been a half-day's strike in his district for ten years. One of our members, Mr. Eckley B. Coxe, whose paper on Mining Legislation precedes this, a gentleman of experience in questions arising between employers and employed, advocates Arbitration in a thoughtful and humane essay prepared for the Philadelphia branch of this Association, and we cordially commend his opinions to the consideration of all who inquire into the subject. But neither Mr. Mundella, by whom the system was founded in England, nor Mr. Coxe, by whom it is recommended to the mining interests of Pennsylvania, would dissent from the statement that it is limited to one object, namely, the rate of wages. The first meeting between English masters and workmen in the autumn of 1860, to consider the establishment of a Board of Arbitration, adopted the following basis upon which to act: "It is further agreed, in order to prevent a recurrence of

strikes, which have been so disastrous to employers and employed, and to protect the mutual interests of master and workmen, that a Board of Arbitration be at once formed, to consist of six manufacturers and six operatives, to which *all questions relating to the wages of labor* shall be referred. The decision of the said Board to be final and binding upon all parties." The italics are ours, and show that the rate of wages was then, as it has since been, the chief concern of Arbitration. But it is not the chief concern of labor, which rather needs to be rid of wages as its exclusive compensation, while the laboring class is not only to be reconciled with the employing, as in these Boards, but to be so blended together in a common interest as to render reconciliation an obsolete issue. In a word, Arbitration meets an evil from which labor suffers, and relieves the suffering but does not remove the cause.

To do this, another organization has been devised. This is termed Association or Industrial Partnership. It takes hold of a business or a factory, as worth so much money; divides this into shares of such moderate value as to be within the reach of working men, and then adopts simple measures, like a weekly or monthly contribution, by which the shares may be paid for. Or else, without apportioning the property in shares, a certain scale of profits is fixed upon, by which so much shall go to the owners and so much to the operatives at the end of every year or half year. In either event, the workman is paid such and such wages by the day, or week, or month, and in addition, such and such profits, either upon his share, or upon the amount of his wages; so that, instead of being compensated only by wages, he has his part in the profits also, exactly as if he too were a capitalist. Now the tendency of this is clearly twofold. It saves the laboring class from its dependence upon wages merely, and saves it also from its isolation as a merely laboring class with which the capitalist class has no possible association. In both these respects, it corresponds precisely to what we have supposed to be the great wants of labor and relieves them with a delicacy and an efficiency alike remarkable. Such at least would be the effect theoretically; and we have reason to know that it is so practically. The Orleans Railway Company, as described in the first number of this Journal, had fifteen thousand men in their service to whom they gave stated wages, and in addition, a share in the net profits of the company. The same system was partially in force with the Eastern and Southern Railway Companies of France. Henry

Briggs, a coal operator in Yorkshire, and chairman of the Masters' Association, the body in which the mine-owners were arrayed against the miners in that district, was persuaded by his sons, after protracted warfare with nine hundred men of his own, not counting those of his associate masters, to try the effect of an industrial partnership. Accordingly, he had a valuation put upon his property, and a division made into shares of forty pounds sterling, which his men were invited to subscribe for, and then pay for in weekly instalments. He also made it known that the whole receipts of his mine would go to meet, first, wages and current expenses; second, ten per cent. interest on the capital stock; and third, equal profits, half and half, to the holders of the stock, and to the men in proportion to their wages through the year. In order to receive the payment of profits proportional to their wages, the workmen were required to have their earnings entered every week in a book by a designated clerk; but so little did they expect from this source at the outset that only one tenth of their number complied with the requisition. At the end of the first year, after paying the first and second charges above mentioned, a very handsome sum remained to be distributed among all the book holders, and great was their surprise, — still greater that of the men who would not use the books, — at the receipt of an amount which seemed like a fortune. This was five years ago, if we remember right, and the reader can judge whether the system has halted or advanced since then. Many of the workmen now hold shares, and one of them is a director in the partnership. The Yorkshire experiment differed from the French, as will be remarked, in this, that it gave the workman a share not only in the profits but in the capital, and thus covered the whole ground which we believe the institution of Partnership is fully able to occupy.

Long before these and other movements on the other side, the fishermen of Massachusetts adopted Partnership as the basis of their labors. What reason they have had to be content with it, and to commend it to other industries, may be drawn from the second annual report of the Bureau of Statistics of Labor for that State, to which a clergyman, described as familiar with industrial life, makes the following contribution: —

"The town of Wellfleet is so situated as to have no resource for gaining a subsistence or amassing wealth other than by the sea. For years her principal business has been mackerel fishing, and it has been carried on entirely upon the system of having every man share in the profits of the catch. The town has no endowed institutions and few

men of great wealth; but for distribution of wealth among the many, and the absence of real poverty, she stands immeasurably above any manufacturing community in the Commonwealth. Yet these are not the only advantages reaped. The homes of the people are uniformly the most comfortable, well kept and healthy the writer has ever seen. The general standard of intelligence, enterprise, and moral culture is far ahead of communities where the wage system prevails. The young men grow up with individuality and independence of character. Their enterprise and ability lead them readily to positions of honor and usefulness. The qualities developed are of the very sort needed to build up a State, and the results described have taken place while the people have depended on a single branch of business, and that fickle, uncertain and extending through little more than half the year."

"In Wellfleet," says the report from which this statement is taken, "the captain is always an owner in the vessel in which he sails, to the extent of from one-sixteenth to one-half. Sometimes he owns the whole. Very often some of the crew are owners, and frequently a captain and crew will not only own the vessel they are in, but a part of their neighbor's also."

The organizations which we have attempted to analyze follow an ascending scale. Trades Unions begin with combination, and thus do something not done, or not so fully done before then. But the combinations they effect, are among workmen alone, and among workmen dependent on wages; so that instead of moving in the direction which we have indicated as the right one, they take just the opposite course, and involve themselves in conflicts which shake labor even more than society at large. Then comes Coöperation, emancipating the laboring class from its subjection to the wages system, and so making a long stride upwards, but still being on one side only, it leaves the two sides as separate as ever, perhaps more separate than ever. Arbitration brings the two sides together, and by giving each an opportunity of being heard by the other, opens a way of reconciliation. Yet while the dissensions between them may thus be removed, the barriers between them remain, and the laboring class, still separate, still only a laboring class, finds no emancipation from wages, and drags on the same dependent existence as before. It is not until Partnership is reached that we see both the results for which we have been waiting. That organization effects a union between the capitalist and the laborer, makes them one in kind if not in degree, and at the same time, gives the laborer a fuller and freer reward for his labor than he ever had in wages alone. Such, it seems to us, is the comparative value of these organizations. Circumstances

may affect it, so that what might be theoretically preferable is not so practically. Coöperation may be more readily applied to one industry, and Arbitration to another, than Partnership can be. But we have endeavored to judge them by the principles involved in them, and it is reasonable to believe that the one of which the principles are the best is that of which the application will ultimately prove the most universal.

Our country has lately witnessed a convulsion of labor which is unique in economic history. The production of anthracite coal in Pennsylvania, amounting last year to sixteen million tons, and capable of reaching a much higher figure, is one of our vast industrial interests. It employs a very large capital, and a very considerable number of work-people, not only at the mines, but on the roads and at the points of shipment; so considerable as to have a constantly growing sense of their own share in the returns of the mines. But the troubles occurring again and again between employers and employed have arisen, so far as the latter are concerned, from those at the mines, among whom an association in the nature of a Trades Union has long exercised a controlling power. At times peace has been preserved by a basis system, so called because the estimated minimum price of coal was taken as the basis of wages, which were to rise with every advance in the price of coal.[1] But when the production of coal amounts to sixteen millions of tons a year, the supply outruns all active demand; the price sinks towards the minimum, perhaps below it; wages fall, and both operators and miners become discontented with one another and themselves. As the only means of staying their losses, the operators appear to have agreed among themselves and with their miners to suspend work. "Strikes are a necessity," said a coal operator in Philadelphia, "to prevent over-production." "There can be no doubt, then," said a physician who was present, "that the operators are in collusion with the men in bringing about strikes." "Why, certainly," answered the candid operator. As if ordinary means were not enough, extraordinary ones have been employed, and when some, indeed most of the operators were ready for resuming

[1] In the course of the discussion following the reading of Mr. E. B. Coxe's paper already mentioned, he stated that in the Lehigh region, on the basis — that is, when coal sells for $5 at Elizabethport — outside laborers received from $9.50 to $12 per week; inside laborers, $13 to $13.20; engineers, $16; firemen, $13; miners, $16; and miners working by the car from 55 to 62½ cents per ton. These are the minimum wages. As coal advances, outside labor advances ten per cent. for every dollar advance in the price of coal; inside labor twelve and a half per cent.; and miners' contract work about twenty per cent. No miner is allowed to make less than $16 on contract work.

work, and their miners were agreed with them, then a portion of the operators, not numerous but very strong, being no other than railroad corporations, the owners and workers of large coal tracts, advanced their tolls or rates of freight to such a point as to prohibit transportation, and consequently production. Such combinations as these, surpassing all attempted among capitalists, still more, all attempted among laborers, give what we call its unique aspect to the coal question of the last six months.

But deep beneath it, beneath the other movements over which we pass as foreign to our present purpose, lies the frail stratum of relation between labor and its employers. All through the troubles of the coal field we see one class set over against another, separate in interest and opinion, and each bent on the utmost possible degree of defiance rather than of peace. But for this antagonism, the difficulties arising from over-production could have been quieted in an hour; while with it they are still unsettled, and threaten to remain so, though mining has been resumed at most points, and the railroads, as we are kindly informed, are transporting coal enough to enable them to reduce their rates. Meantime, Arbitration has been tried, and though some of its fruits have turned to ashes, others have had a certain flavor, however sickly, which betokens vitality in the stock that bears them, and promises something with regard to the future establishment of the system. One need not be a prophet to foretell that until it or some other efficacious system for the relief of labor is established, there will be no peace in the Pennsylvania mines.

There, as almost everywhere else in the spaces occupied by human industry, a new leaf is to be turned. All that sad page of wrath and conflict, from which labor has suffered most, only because it has less to sustain it in time of suffering, but from which every social interest suffers also, is to be folded and sealed down. The open page that follows should bear a fair inscription. The tales it tells should be of tranquillity and hope. The relations it describes should be of charity and wisdom. To every laborer there is in reserve, if we can read the future, a place among his fellow men, where the same independence after which they strive will be his, the same harmony which they value will be open to him, and where he and his can be so trained and blessed as we may reverently believe to be the will of his Maker. He will then have a better and a more enduring relief than can ever come from Trades Unions, were they all peace, or from Coöperation, Arbitration, and Partnership, were they all success. Edu-

cation will do more than any organization. The spirit which may be cultivated in the laboring class toward others — and of course we must add the spirit which may be cultivated in others towards the laboring, — is of infinitely greater importance than any merely outward reforms.

> "But hushed be every thought that springs
> From out the bitterness of things."

Hostilities should cease at once and everywhere. Barricades should be removed, batteries silenced, and weapons dropped, before another wound is given on either side. War is a game which Labor would not play at, were Society wise.

# NATIONAL EDUCATION IN ENGLAND.

By Mrs. S. Parkman.

The National Education Act now going into operation in England is fairly attributable to the enlightened and persistent effort of Mr. Forster, formerly member from Bradford and now Vice-President of Council. He moved the Bill, drew out all its details, and worked it through the House of Commons with a degree of energy and good sense — a persistency, in essentials, and a judicious pliability in non-essentials which have won admiration even from his opponents.

The "Times" says: "The Vice President of Council goes through his work with a cheerfulness which survives all provocation. He receives suggestions from all quarters, and examines them on their merits, instead of accepting or rejecting them according to their sponsorship, and without wasting words himself, is truly tolerant of vain repetition from others."

The work was no small one; ignorance and apprehension, even more than direct opposition were to be overcome, and the discussions in Parliament disclose a condition which might appall any but a brave and believing heart. Lord Shaftesbury, whose exceptional knowledge made all his objections weighty, said, "with compulsion you will do next to nothing, without compulsion nothing." He described "a kind of roving army, numbering from forty to fifty thousand persons, moving like Scythians round London, and who never remain more than three or four months in one place," and inquired how Mr. Forster would deal with them.

The "Times" said that "the necessary corollary of gratuitous and compulsory education was gratuitous food."

Through all opposition and alarm, strengthened by the visions which were evoked to affright him, Mr. Forster fought his Bill, and seldom can one man have been permitted to originate and complete a measure so vital, so fraught with benefit for his own land.

The Bill, in twelve folio pages, was signed by the Queen on the 9th of August, 1870.

It provides that elections of members of the School Board shall be biennial, and that the vote shall be cumulative.

It states that in order to vote for the School Board one must have been the occupier of a ratable tenement when the rate was made out and the name entered in the rate-book.

It provides that information shall be collected as to the existing schools; that public notice shall be given of the deficiencies in suitable and efficient schools, and after six months if not filled voluntarily, such deficiency shall be filled by the Board.

It provides that no school shall receive aid unless certified by the inspectors to be properly lighted, drained, ventilated, and contain in the principal room eighty cubic feet space for each child.

It provides for the exaction of a fee from pupils, to be fixed and remitted at discretion.

It provides for truant officers, and for the formation of School Boards when desired by the majority of rate-payers in any borough or town; or where the trustees of any school can no longer fulfill their trust.

As soon as the Bill had become law there began throughout the kingdom meetings of various bodies, variously interested in the action about to follow.

A deputation of working-men waited on Mr. Forster to urge the advantage of payment to the members of the Board, since working-men could not leave their work, without suffering to their families. Mr. Forster suggests that it will be easy for any man's constituents to render him independent of wages, and the deputation retires with cheers, thanks, and a resolve that at least one member of the London School Board should be a working man.

Churchmen all over the country bestirred themselves. The Bishop of Oxford and the Diocesan Board of Education sent out a circular beginning: "Mr. Forster's bill has now become law," and saying, "we are anxious to give a new impetus to diocesan education before it is brought into competition with the rating system which wherever it prevails will have a natural tendency to weaken the denominational system."

At Worcester the Archidiaconal Board resolve: "That it is impossible for churchmen to coöperate actively or directly in establishing schools where the Church would be unable to use its own formularies," and makes this the argument for the increase of church schools.

An effort was made to have ecclesiastical districts dealt with separately, not subjected to rate like the rest of the town.

The National Education League held meetings through August and September for the purpose of stirring up and informing the people as to the best means of carrying out the law, and finally undertook "united action for the purpose of returning the best and most liberal members."

The Labor Representation League, in a final meeting just before the election, say to their members: "Vote, in the first place, for qualified men of your own order, that the prejudices of sect or class may not prevent your children from receiving the benefit of this law."

In Chelsea, friends of religious education unite that suitable persons may be elected.

In London, Archbishop Manning exhorts his congregation to see to it that Catholics hold their due place on the Board. Mr. Applegarth addresses in the course of one evening the Science classes at South Kensington, the Amalgamated Engineers, and an electors' meeting; and innumerable meetings are held by Trade and Friendly societies.

As the election approached some of the candidates and many of their friends issue addresses. The governor of the Bank of England, Baron Rothschild, Sir John Lubbock, Mr. Goschen, and eleven other gentlemen put out an address to the electors, setting forth the principles which should govern the selection of candidates, and at a public meeting of the friends of Mr. Huxley, Mr. Tyndall states that he has known him for seventeen and a quarter years without finding a blot in his character. Miss Garrett in her address expresses herself in favor of reading the Bible in schools, and in favor of compulsory education. She says that ten years of professional labor have made her acquainted with the condition and the wants of the London poor, and adds: "I may perhaps claim to be specially conversant with questions relating to the physical well-being of the scholars, and to the education of girls."

Women were nominated and chosen members of School Boards in many places. Miss Ashworth, a niece of John Bright's, was chosen at Bath, the electors considering her "well qualified to represent various important interests, among others the education of women." At Exeter, Bishop Temple having been nominated by a meeting of Dissenters, declined on account of his many engagements, and his sister, Miss Temple, was put on the Board. A Miss Weston, a temperance advocate, and a Miss Shum, a laboring woman, were chosen on Boards in the interior, and at

the London election, women who were rate payers voted in considerable numbers.

Those engaged in the higher education took an active part in the new movement; at Oxford three members of the Board were from the University, one of them being the Warden of All Souls, and at Cambridge the Board met in the rooms of a Fellow of Caius College.

The School Board at Worcester is a fair specimen of the variety of interests represented. It consists of the high sheriff, three gentlemen, one solicitor, one banker, one draper, one barrister, one canon, one manufacturer, one clergyman, one school-master, one tailor, and one Catholic priest.

Mr. Russell Gurney, the Recorder of London, stated in January, that if the returns not then received were in proportion to those already known, the expense of the election would amount to ten thousand pounds.

These elections are to be biennial.

The election of the London Board took place on November 29, 1870. The proportional principle was recognized in the number of members allotted to the different districts of London. Miss Garrett's majority was enormous. The "Times" speaks of "the crushing way in which she beat every masculine candidate," but the analysis of the vote shows that 47,858 votes were cast by 11,676 voters. An even higher ratio of votes cast by each voter is manifest in Mr. Lockhard's election at Hackney. He received 3,350 votes from 670 persons, that is, an allowance of five votes to each person.

The London School Board, as elected, consists of forty-nine members, nine of whom form a quorum. Throughout all the discussion and agitation previous to the election the theory of representation of classes was universally accepted, and has been thoroughly carried out. An extraordinary variety of station and opinion among the members of the Board strikes us at first glance, and as it is one of the most striking points of difference between this and any educational body in America, a list of members may not be without interest. The Board consists of —

Rev. Dr. Rigg, President of the Wesleyan College.
Mr. Mudie, the librarian.
Mr. Morley, Non-conformist.
Rev. W. Rogers, Prebendary of St. Paul's.
Alderman Cotton.
Samuel Morley, M. P.

Mr. Gover.
Rev. Canon Cromwell.
Lord Lawrence.
Mr. R. Freeman.
Mr. Kiell.
Rev. J. Rogers, Vicar of St. Thomas.
Mr. Lucraft, laboring man.
Mr. Torrens, M. P.
Mr. Tabrum, of the Record Office.
Sir F. Lycett.
Miss Emily Davies, Spinster and Authoress.
Rev. Dr. Waugh, Roman Catholic Priest.
Rev. J. C. Millar, Vicar of Greenwich.
Mr. C. Reed, M. P.
Mr. Smithies, Editor of the "Workman's Friend," and the "Band of Hope Review."
Rev. J. Picton.
Mr. Stiff, Non-conformist.
Mr. Tresidder.
Sir Thomas Tilson.
Mr. MacArthur, Churchman.
Rev. Dr. Barry, Principal of King's College.
Viscount Sandon, M. P.
W. H. Smith, M. P.
Mr. MacGregor, author of "Cruise in the Rob Roy."
Mr. Few.
Miss Garrett, now Mrs. Anderson.
Prof. Huxley.
Rev. Prebendary Thorold.
Mr. Langdale, solicitor, Roman Catholic.
Mr. Hutchins, "
Mr. Hepworth Dixon.
Mr. Wallace, Roman Catholic.
Mr. Pearce, chemist, dissenter.
Rev. Dr. Angus.
Mr. James Watson.
Mr. Lafone, leather dresser.
Rev. J. Mee, Vicar of St. Jude's.
Mr. Ingle, Wesleyan.
Mr. Currie, distiller.
Mr. Buxton, brewer.
Mr. Scrutton, ship-owner, dissenter.
Mr. William Green.[1]

[1] This list has been gathered from successive numbers of the *Times*, and gives only forty-eight names. No complete list has been attainable.

The Board met for the first time on the 16th of December, 1870, in the Council Chamber of the Guildhall, offered for their use by the Lord Mayor. Galleries were reserved for the public, and they have hitherto been crowded. The meetings were at first held weekly and afterward fortnightly.

The first action of the Board was the choice of Lord Lawrence as chairman; and afterwards with what seems to us unnecessary awkwardness, the Board got into working order. To Americans, there is something very odd in the apparent difficulty of Englishmen in organizing themselves. In several instances where nominating and other committees were suggested, the majority of the Board apparently felt that their liberties were endangered, and showed a sensitive dread of reports to be presented for discussion which might be appropriate as to *lettres de cachet*, or the abolition of trial by jury. The Rev. Dr. Millar advised them to "lay aside their apparently sensitive jealousy of the appointment of committees," and they finally met the occasion with comparative calmness.

A private secretary to the chairman was appointed, and the officers of the Board were a clerk, a statistical clerk, an accountant, a minuting and short-hand clerk, and a junior clerk. These officers will not be thought too many when we get any notion of the work to be done.

A book was provided in which the members present are to sign their names at each meeting of the Board, and a table of attendances is to be published at the end of the year. Notice of resolutions were to be given at one meeting, and acted upon at the next.

In the course of discussion previous to appointing the standing committee, it was said that there were nine classes of children requiring immediate attention, namely: Children begging, wandering, destitute, orphan, parents in prison, in thieves' company, too bad for parents, too bad for workhouse, charged with offence; and the number of these in London was thought to be understated at fifty-nine thousand.

The preparation of a scheme of education was mooted, and Mr. Huxley said that "no scheme would be satisfactory except one which established a great educational ladder, the bottom of which should be in the gutter, and the top in the University."

Mr. Huxley also strongly advocated the teaching of national rather than historical facts to young children, and remarked incidentally that "of all the incompetent and abominable things in

this world, the so-called scientific manuals bore off the palm." He also urged the value of music as a refining influence, and a promoter of innocent pleasure.

Mr. Hepworth Dixon made a speech on the importance of physical education, which shows that "buncombe" is not wholly cis-atlantic.

The extreme delicacy and difficulty of appointing the committees was largely dwelt on, and Mr. Lucraft, apparently unacquainted with Bottom, distinguished himself by stating that "the difficulty would be easily solved, if each member of the Board sent in his name for appointment on any committee which he thought himself best qualified to sit on!"

The question whether the meetings of the Board should be opened with prayer, was decided in the negative, Mr. Huxley stating that prayer did not come under the head of business, as mentioned in the Act establishing the Board. Thirty-seven members voted that a room should be provided where those who desired it could have prayers before each meeting.

The Board appointed a committee on statistics, a committee on scheme of education for elementary schools, and a committee on works and general purposes; the latter being apparently what we should call a business committee. Alarm was expressed at the supposed secrecy of these committees, and Mr. Hepworth Dixon gave it as his opinion that all the action of the Board should be open to "the coil and recoil of public opinion," but these apprehensions were calmed by Lord Lawrence stating that all the meetings of the committees would be open to all the members of the Board.

The committee on statistics were "to ascertain how many elementary schools, public as well as private, exist in London, where the weekly fee from each scholar is under ninepence." To inquire how many children between the ages of five and thirteen are provided for, and what number remain unprovided for, and as to the social condition of such children; and to ascertain "the sufficiency, efficiency, and suitability of existing schools."

The committee on the scheme of instruction for elementary schools, were "to consider the scheme to be adopted in the public elementary schools." In the debate which preceded the appointment of this committee, Mr. Smith said that "the Board knew nothing of the condition of elementary education in London;" and Mr. Huxley urged the primary importance of infant or preparatory schools, stating that attendance up to seven years old at an

infant school was equivalent to two years training in later life; and he warmly deprecated the opinion that an English child was of course stupid, saying that in his opinion the two finest intellects in Europe were the Italian and the English.

The question of religious instruction in schools was debated at great length. It was decided that the Bible should be read, and Miss Yonge's book of readings from the Bible was proposed for this purpose by Mr. Huxley, who said that a primary object of education must be to instill a sense of duty and the principles of morality and religion, but deprecated the reading of the whole Bible to children. His proposal was negatived, on the ground that teachers would be competent to make the selection. The Roman Catholic members urged that wherever forty Catholic children were present, the Douay version of the Bible should be read to them; but this motion was not carried.

It having been proposed that a fee should in all cases be paid by the scholar, except when remitted at the discretion of the Board, Mrs. Anderson (Garrett) strongly urged this plan. She considered that unpaid schooling tended to pauperize the people, and to break down the line of demarcation between the dependent and the independent; that the school pence would be considered as inevitable as the pence for the baker, and that even the poorest classes were able to pay, as was shown by their expenditure in public houses.

At the latest meeting of the Board which has been reported (April 20), Lord Lawrence said that an impression had gone abroad that the Board had accomplished little; but he explained the amount of labor already performed by the committees, which would be better appreciated when their reports were laid before the Board, and said that verified returns had been secured from 3,151 schools.

On the 6th of April, the Board issued a rate of a half-penny per pound, which was calculated to yield 40,000 pounds; and the popularity of this tax being questioned, Mr. Lucraft said with much feeling that "artisans would willingly submit to an increased burden of taxation if the education of their class could be improved in the next generation."

The proceedings and the results of this Board are interesting to Americans because its members are of our own race, and the problems with which they deal have a curious likeness and unlikeness to those which beset our path; also because though we have

something to teach, we have also something to learn from these our brothers.

The fair place which is allowed, and the just dealing which is shown to women, are striking, considering that while the cry for Women's Rights has been incomparably louder on this side of the water, no one of the ninety-six members of the Boston School Committee is a woman, and the suggestion of a feminine member of the Board of Education has never been made. Another point of difference is the high distinction for character and talents of many of the persons composing this Board, so high that many of them are familiarly known on this side of the water. Suppose that the Massachusetts Board of Education, which has the educational oversight, roughly speaking, of about an equal number of persons, were composed of General Thayer, Mr. Agassiz, Rev. Phillips Brooks, the President of Harvard College, Dr. Holmes, Mr. Howells, Hon. R. C. Winthrop, Dr. Lucy E. Sewell, Mr. M'Kay, the shipbuilder, and two or three members of Congress; we should be far from getting an equivalent as to personal distinction and varied representation. Of course a new work, and a work which must be done or leave England in imminent peril, calls out the foremost men, and it is open to doubt whether when the labor becomes monotonous the same men would be willing to perform it; still the example is not without value for us.

Another good point is the apparent absence of anything like personal or party management in the choice of officers. The salaries paid are considerable, and the candidates were numerous; but the members of the Board declined to see any candidate, or receive any testimonials of merit until all came before the Board at the time of choice.

The absence of any limitation in the choice of candidates, by requiring residence in special districts, gives of course a larger liberty of choice.

The same difficulties which have arisen here meet the London Board on the threshold, — the question of public aid to denominational schools; the question as to religious instruction in schools; the question how to deal with the evil of truancy, all ask answer of the English as well as the American people; and while we acknowledge any advantage they have over us, we must needs feel the profoundest thankfulness that some of the most difficult

problems which they are still querying over were settled for us two hundred and fifty years ago by the high-hearted forecast of our fathers.

NOTE. A Parliamentary return shows the effect of the Elementary Education Act, in producing applications for grants for building or enlarging schools. In the year 1869, 192 grants were awarded; in 1870, the applications reached the number of 3,230. Of these applications 3,111 were received after the 1st of August; the act having passed early in that month. Nearly nine tenths, or 2,582, were for building Church of England schools; only 73 for undenominational schools. Although most of the grants will fall due in the next financial year, 1871–72, the appropriation for grants during the present year, 1870–71, is to be raised to £80,000, or more than double last year's vote.

# GENERAL INTELLIGENCE.

## I. — Home.

Current Record of the Association. The meetings of the Philadelphia Branch, mentioned in our last record, were kept up with spirit and success. Papers were read at them: on Compulsory Education, by Lorin Blodget, January 19, 1871; on Boards of Conciliation and Arbitration, by Eckley B. Coxe, February 16; on the Report of the Commissioners to Revise the Statutes of Pennsylvania, by R. C. McMurtrie, March 16; on Local Taxation in Philadelphia, by Thomas Cochran, April 20; and on Infant Mortality, by J. S. Parry, May 5. These papers, with abstracts of discussions following, have been printed.

The dedication of the Girls' High and Normal School, Boston, April 19, offered a fitting opportunity for the presentation of the Casts described in our last number as having been placed in the hall of that School, under the direction of a Committee of the Association. The Executive Committee desire that the remarks of the President and of Mr. Charles C. Perkins, Chairman of the Committee on Art in Education, should be preserved in this record. The President of the Association spoke substantially as follows: —

*Mr. Chairman:* — It is my pleasant office to offer, in behalf of all those who have united in placing this collection of casts here, their contribution toward the success and the development of this school. We have thought that while there is enough controversy in the educational world as to the proportion which different studies should take in it, while some of us are very much on one side and some on the other, and not so many of us, perhaps, between the two, with regard to the prominence which should be given to one study above another, there is an opportunity to advocate one study not generally advocated and to press its claims upon the thoughts and the affections of this educated community. Fair as our school system is, and adorned as it is with all the light and beauty that stream in from the past upon the present, there is one ray which has not yet penetrated far, one that comes from the art of the ancient world, one that, if it comes, comes here, as everywhere, fraught with light and benediction. About the place that should be assigned to Greek language or literature in a programme of study, there may be a question, but about the place to be assigned to Greek art there can be no question among those who know what that art is and what power it is susceptible of wielding. If it were only as a mere negation of that high pressure put upon our children, if it were

only as a softening element introduced into study that needs to be softened and shaded down, —

"Quam nec longa dies pietas nec mitigat ulla," —

æsthetic education, if it found its place among us, would, like the harper laying his palm upon the harp to deaden its vibrations, calm and sweeten the whole course of study. But it is not merely as a negation that art should be welcomed among us; it comes full of that positiveness, full of that inspiration which we should all stretch out our arms to accept and open our hearts to bless. Greek art is an expression of the finest culture and the deepest thought that have ever found an abiding place upon this earth. It was the work, directly or indirectly, of the best men in Athens and throughout Greece, wrought by some, cherished by all. It ought to be cherished by us, it ought to be made more of for the lessons, not merely artistic, but intellectual and moral, which it conveys. In its simplicity, in its idealism, in its unbroken and unshaken truthfulness, it is a teacher of principles which no scholar can learn without being the better for them, and no community nourish without being sanctified by them. If we welcome it here, we shall welcome something which will make our schools brighter, our homes dearer, and our whole lives nobler. We shall welcome something which we can take into our breasts and foster there, and, while we foster it, it fosters us, and gives life and breadth and purity. Mr. Chairman, I offer in the name, not merely of the American Social Science Association, but more particularly in the name of those members of the Association, and those friends of theirs not members, who have taken part in this work, the collection which we see on and about these walls. It has been carefully chosen under the guidance of one who will follow me in explaining his choice. We owe to him, I can truly say, a large share of what will make this collection valuable here, and will lead, as we trust, to its being imitated elsewhere. I beg the teachers and the pupils of this school to feel that we ask them and depend upon them to help us in this experiment which we are trying If they value these expressions of art, if they think well of them and speak well of them, if they get that good from them which we believe they will, the ripple which is stirred here to-day will spread far beyond this school and this city to every part of the country; and there will gradually come into the education of the United States an æsthetic element which it now wants, but which is as sure to come through this experiment, or through some better experiment, as the sun is sure to rise to-morrow. I beg your permission, Mr. Chairman, in conclusion, to read a part of a letter, which was addressed to me to be read to-day. It comes from the friend who gave this frieze which runs about these walls, a friend who was the first to propose this work, whose sympathy and enthusiasm have encouraged it at every step, and who ought to be here to-day in the flesh, as I doubt not he is in the spirit, to witness the result of his efforts and his hopes, — Mr. James M. Barnard. "A great interest is felt here," he writes from Italy, "in this movement, particularly in the plan which has been adopted for the public schools by the Association. I wish I could be present to rejoice with you in the inauguration. Receive my profound sympathy. Mrs. Barnard unites with me in presenting to the Girls' High and Normal School, through the Association, the frieze of the Parthenon, reproduced by Brucciani from the originals in the British Museum." And now, Mr. Chairman, not only the frieze, but the statues and busts become the property of this school; and as long as they stand here, may they stand as silent but not the

less effective teachers of all that is good and pure in the human heart, and all that is truest and noblest in human lives.

Mr. Charles C. Perkins, to whom Mr. Eliot referred in his address, was then called upon to explain the frieze and statuary. He said: —

Ladies and Gentlemen, — When I first saw this hall, its walls were bare, its ceiling open to the roof; nothing gave promise of its present aspect. It was like the block of marble in the sculptor's studio, or the blank canvas on the painter's easel, — waiting to be transformed into a "thing of beauty." You will agree with me that it could not have been turned to a better use than this, namely, — to be made a place in which the elevating and inspiring influence of noble forms should be brought to bear upon the minds of the young persons who come hither to be educated.

In the great problem whose solution has exercised the minds of those who wish to see the power of art brought to bear upon the American people, the question has been how and where to begin. Plutarch relates that Archimedes told Hiero, the tyrant of Syracuse, that if he could cross over into another planet and thence work his lever, he could move the world. Now we who wish, though in another sense, to move our New World of whose existence Archimedes never dreamt, have crossed over to the Old World, which is to us as another planet, and have thence applied the potent lever of art. Here we have used it in a small way, by means of a few casts placed around the walls of a single school-room; in the Museum of Fine Arts, we shall use it in a more complete way, by means of a great collection of casts which will illustrate the history of plastic art from antiquity to the present time. Here we hope to work upon the young, there to influence persons of all ages and conditions; here we depend upon the slow but sure influence of daily familiarity with a few excellent types upon tender minds, there we shall expect to sow seed which will bear an abundant harvest in the arts, in manufactures, in manners, and in thought. Form is embodied thought, and an index to the condition of a people as regards intellectual attainment and civilization. An immense amount of the best thought of the ancients has been embodied for us in marbles, bronzes, coins, and gems, and this precious heritage is waiting to enrich us whenever we choose to avail ourselves of it. We have but to desire it, and all the best plastic works of the best periods of art, will be brought to our shores in reproductions, which though of little material value as compared with the originals, will be as potent as they could be to quicken us to a closer observation of nature, to elevate our taste, and to make us judges of beauty when they have made us beautiful in mind. For as Plotinus says, "Only the beautiful in mind can judge of beauty."

The young people who will assemble here are but a fraction of the great public, and yet they may be of great assistance in the work we have at heart. Having learned the value of such an influence as works of art exercise upon those who live in daily contact with them, they will teach it to others. The appetite for beauty nourished here will demand food for its satisfaction at home; parents and friends will catch the enthusiasm, and like the encircling ripples which break the surface of a lake around the place where a stone has fallen, and widen out until it is everywhere in motion, it will spread until the whole community feels its influence. Have you ever watched a little cloud no bigger than a man's hand, as it rose upon the horizon, and gradually widened

out until it covered the heavens with blackness? At first the big drops of rain fell slowly from it, then faster and faster in gathering streams, until the parched earth was deluged with sheets of water. Now this small collection of casts may represent to us the little cloud which promises that beneficent and fertilizing rain of art, which is to fall upon this continent. We need it; we thirst for it; and we shall have it. These are the first drops of promise which precede the abundant shower that is to quicken our national life and fertilize the land.

The casts which adorn this school-room were purchased in Rome, Paris, and London. They were selected with peculiar reference to the place in which they were to stand; and though necessarily few in number, combine a great variety of types. The Minerva, the Diana, the Psyche, and the Amazon, are typical representations of virginal beauty; the Juno and the Pudicitia of matronly beauty; the Demosthenes, the Pericles, and the Homer, represent the Orator, the Statesman, and the Poet. The Genius of the Vatican is a type of adolescence; the Bone-player a type of grace. These casts also illustrate many styles of Greek art. The Archaic Apollo is an example of the hard, earnest, and realistic style which prevailed in Greece, and notably at Ægina in the beginning of the fifth century, B. C. The bust of Jupiter Trophonius is of the somewhat mannered but delicate and refined style, which marks the work of the archaic sculptors of the Attic School about the same period. The Panathenaic frieze, the Caryatid, the Jupiter, and the Æsculapius, illustrate the school of ideal art founded by Phidias. The Demosthenes is a noble example of the school of portraiture, founded by Lysippus in the fourth century, B. C., as is the Genius of the Vatican of that soft, sensuous, but exquisitely beautiful school of sculpture which was founded by Praxiteles, between the time of Phidias and Lysippus. Lastly, the Pudicitia, the Polyhymnia, and the young Augustus illustrate the Greco-Roman school, which flourished at Rome during the early part of the empire. A cast of the Vatican of the Minerva Giustiniani was ordered at Rome, and when made was rejected as imperfect; another was ordered in London, but could not be obtained. "Invita Minerva," what could be done to compel her presence? Thanks to the generosity of Miss Cushman, the Boston Athenæum owned the cast which stands upon the platform; and permission was obtained to transport it hither for this occasion. Thus it happens that Minerva is your guest to-day; and let us hope that many months will not elapse before the present representative of intelligence and cultivation will be replaced by another already ordered at Rome as a permanent substitute.

The speaker concluded his remarks by explaining the frieze of the Parthenon.

The publications of the Association during the spring and opening summer have been the "Immigrant's Handbook," two numbers (III. and IV.) of the "Journal," and a revised edition of the pamphlet on "Free Public Libraries," the latter having been called for much sooner than was expected, in consequence of the rapid and widespread demand for the first edition.

A Horticultural School for Women was opened at Newton Centre, Mass., corner of Beacon Street and Lakeside Avenue, May 23,

1870. A comfortable house, and the good aspect of two acres of land adjoining it, fixed the choice of the place. Before the opening of the school many applications were made by women anxious for instruction, but the necessary expenses of the school fixed a rate of payment which hindered many of the applicants from becoming pupils. A matron, Miss A. T. Pollard, and a teacher, Mr. Charles Barnard, were the only permanent officers, and the directions rest with a board of managers, of whom Miss A. W. May is chairman. Two greenhouses, and a small propagating house, have been erected, and the pupils have done the work in both greenhouses and garden with success. Mr. Barnard personally superintended and shared the labor at first, and afterwards gave lectures daily on horticulture and kindred subjects. Mr. J. T. Russell, of Salem, the noted botanist, has kindly given a set of lectures on botany, and Miss Harris has also gratuitously given lessons in entomology and painting. The pupils, in addition to outdoor work and attendance on these lectures, keep a daily journal of all horticultural doings and teachings. The school has at present six pupils, and the question whether women are competent to the care of gardens and greenhouses may be considered solved.

But the school at present labors like other new undertakings, under the hindrance of poverty. In its own neighborhood, there is abundant sale for flowers ; but in order that the pupils, when they leave, may choose their special line, the school must give examples of many kinds of plants, and this is comparatively unremunerative. The rate of board — five dollars a week and upward, according to the choice of rooms — barely pays expenses, and it cannot be expected that competent teachers should be had cheaply. The tuition fee is one hundred dollars a year.

A bequest of $5,000 from the estate of Miss Joy, founds a free scholarship, for which there are many applicants. But endowments come slowly, however great the want of them, and no schools want them more than industrial schools. Few will doubt the value of this particular school, or disagree with the statement in the first annual report, that it is "an object of great importance to open a new and more healthful field of labor for women, — to draw them back from the crowded city, where every avenue open to them is over full, to a more simple and wholesome life in the country and the open air."

Compulsory Education in Philadelphia. — The Legislature of Pennsylvania has been considering a bill for compelling the elementary education of all children within the limits of the city of Philadelphia. In the preamble it is stated that there are in Philadelphia "at least twenty thousand children under the age of eighteen years, who are in a state of abject and most lamentable ignorance," and that in view of this fact, "it manifestly becomes the duty of the State, in the benign exercise of its governmental relations, to protect the helplessness of childhood against the fearful consequences of the ignorance in question."

The first and principal section of the bill provides as follows: —

"On and after the first day of January next every child who shall reside within the limits of the city of Philadelphia, and who shall have reached the age of seven years, and shall be under the age of fourteen years, shall be required to attend some public school in said city, for the period of six months in each and every year, or until, in the opinion of its teacher, it shall have acquired the common rudiments of an English education, by being able to read, write, and cipher with reasonable facility.

"And any person having the custody, as parent, guardian, or otherwise, of any child, and who shall neglect or refuse to send such child to a public school in obedience to the requirements of this act, shall be subject to a penalty in a sum not exceeding twenty dollars, and which shall be recovered as sums of the like amount are now recoverable by law, and one half of the amount recovered shall inure to the benefit of any one who may sue for the same, and the other half to the city treasury.

"This act, however, shall not apply to any child who shall already attend a private or a parochial school, or where because of extreme poverty, the person having the custody as aforesaid of such child is unable properly and sufficiently to clothe such child in order to send it to some school as aforesaid, or where such child has received a certificate from its teacher that it is able to read, write, and cipher, with reasonable facility, or where the bodily or mental condition of such child is such as to prevent its attendance at school or application to study.

"The Board of Education of the First School District of Pennsylvania is hereby authorized and empowered to exempt any child from attendance upon school for causes other than those above recited, if, in its opinion, public policy and the successful operation of this act shall require it."

The bill farther provides for an official inquiry conjointly by the school and municipal authorities into the number and status of the children coming under its provisions. In case parents or others having charge of a child shall prove unable or unwilling to pay the penalty provided, or having paid it, shall still refuse compliance with the act, or in case they are unable to clothe the child for attendance at school the Board of Education shall place such child in the Industrial School, for the erection of which the act provides, and in which it shall be taught to read, write, and cipher, as well as trained to some useful occupation. Every child leading a vagrant life in the streets of the city, is to be placed in the same school. Until the erection of the Industrial School, the children referred to are to be taken care of in the city House of Refuge, apart from those who may be confined in that institution under sentence of court.

An American University. — The importance to this country of an increase of facilities for the highest culture has been felt by our leading educators for many years. At various times it has found expression, and in various ways laid claim to popular recognition and sympathy.

Acting under the conviction of serious deficiencies in this regard, and

of the difficulty of supplying them, the National Government has appropriated lands, and individual States and private citizens have given large sums of money, for the establishment and endowment of "seminaries of learning" and "universities." Some of these institutions have attained a large measure of usefulness within their necessarily quite narrow limitations, and others are bravely struggling upward, with a resoluteness of purpose worthy of larger means. Nevertheless, as a class, they have fallen far short of what is demanded by the country and times; and, as individuals, even the best of them suffer from an impartial comparison of them with the foremost institutions of some other countries. And, what is worse, with the present sway of sectarianism and local ambition, — sentiments which lead to a constant multiplication of abortive efforts, — there is but little room for hope that the object of so many aspirations will be gained for a long time to come, unless measures be cordially adopted that will insure the concentration, at some one desirable point, of the means and forces requisite to a *true university*.

That this same view was entertained by leading statesmen when the foundations of the Republic were laid, is shown by many facts of our early history; prominent among which are the offering of propositions by both Charles Pickering and James Madison, in the Constitutional Convention of 1787, to provide for a National University at the seat of Government, and the repeated and urgent recommendations to that end made by Washington, in his messages to Congress.

At a day comparatively recent (in 1852, if we are not mistaken), a number of the ablest and most learned men of the country, prompted by a like desire to see a great American institution founded in the interest of the highest culture, known and possible, associated themselves together with the view of promoting this object. Their reliance was chiefly upon private interest and liberality, however, and when these failed, they naturally lost courage, and suspended their efforts.

From that time to a very recent date, although much had been felt and said of the need of a higher and broader institution than any we now have, no concerted effort was made in that behalf until 1869, when the National Teachers' Association, under the inspiration of an address on "The Progress of University Education," by Dr. J. W. Hoyt, of Wisconsin, unanimously adopted the following resolution offered by Professor A. J. Rickoff of Ohio: —

"*Resolved*, That, in the opinion of this Association, a great American University is a leading want of American education, and that, in order to contribute to the early establishment of such an institution, the President of this Association, acting in concert with the President of the National Superintendents' Association, is hereby requested to appoint a committee consisting of one member from each of the States, and of which Dr. J. W. Hoyt, of Wisconsin, shall be chairman, to take the

whole matter under consideration, and to make such report thereon, at the next Annual Convention of said Associations, as shall seem to be demanded by the interests of the country."

A committee was appointed in accordance with the resolution, consisting of the following gentlemen: —

Dr. J. W. Hoyt, Chairman, Madison, Wisconsin. N. B. Cloud, Montgomery, Alabama. Thomas Smith, Little Rock, Arkansas. W. P. Blake, San Francisco, California. B. G. Northrup, New Haven, Conn. L. Coleman, Wilmington, Delaware. C. T. Chase, Tallahassee, Florida. Newton Bateman, Springfield, Illinois. B. C. Hobbs, Indianapolis, Indiana. A. S. Kissel, Des Moines, Iowa. P. McVickar, Topeka, Kansas. Z. T. Smith, Frankfort, Kentucky. T. W. Conway, New Orleans, Louisiana. Warren Johnson, Augusta, Maine. M. A. Newell, Baltimore, Maryland. Joseph White, Boston, Massachusetts. O. Hosford, Lansing, Michigan. W. F. Phelps, Winona, Minnesota. Daniel Read, Columbia, Missouri. J. M. McKinsey, Peru, Nebraska. A. N. Fisher, Carson City, Nevada. Amos Hardy, Concord, New Hampshire. C. A. Apgar, Trenton, New Jersey. J. W. Bulkley, Brooklyn, New York. S. S. Ashley, Raleigh, North Carolina. A. J. Rickoff, Cleveland, Ohio. George H. Atkinson, Portland, Oregon. J. P. Wickersham, Harrisburg, Pennsylvania. T. W. Bicknell, Providence, R. I. J. K. Jillson, Charleston, South Carolina. C. T. P. Bancroft, Lookout Mountain, Tennessee. J. S. Adams, Montpelier, Vermont. Wm. H. Ruffner, Richmond, Virginia. A. D. Williams, Wheeling, West Virginia. Z. Richards, Washington, D. C.

Circumstances having rendered it impracticable for the committee to make a full report at the time appointed, on the 17th of August, 1870, the chairman thereof submitted to the Association at Cleveland, a preliminary report, from which the following passages are copied: —

"Notwithstanding the many and various uses heretofore made of the term *university*, it may be assumed, without fear of successful contradiction, that the leading offices of a true university are these: 1. To provide the best possible facilities for the highest and most profound culture in every department of learning. 2. To provide the means of a thorough preparation for all such pursuits in life, as being based upon established scientific and philosophic principles, are entitled to rank as professions. 3. To exert a stimulating and elevating influence upon every subordinate class and grade of educational institutions, by holding up before the multitude of their pupils the standards of the highest scholarship, and by preparing for their administrative and instructional work officers and teachers of a higher grade of qualifications than would be otherwise possible. 4. To enlarge the boundaries of human knowledge, by means of the researches and investigations of its professors, as well as by the researches and investigations of other advanced minds, encouraged to a greater activity and led to greater achievements by the influence of the university example.

We could hardly hope for *more* than one such university, at least for a long time to come, for it must needs be supplied with a multitude

of able professors, covering not only the whole range of letters, pure science, and philosophy, together with the several fields of the time-honored professions, but also the yet more numerous, and, for a time, more difficult ones of the new professions; a great and choice library, such as this country does not yet possess; and a large number of thoroughly furnished laboratories, museums, and other costly scientific establishments. But then one such university would at once become a power, influential alike in furthering and directing our material development, in elevating the character of the lower educational institutions of the country, and in awakening and sustaining higher conceptions of both individual and national culture: thus helping us, by a happy combination of our own more than Roman energy and religious faith with the grace and refinement of the Greek civilization, to become a nation fully worthy of the future that awaits us.

Whether the institution contemplated should be an entirely new one, founded in a new place, or whether some one of the few institutions that have already made such noble beginnings of high educational work should rather be made the nucleus around which the earnest friends of university education of every section should rally for its upbuilding; whether it should be what the Italians mean by a *free* university, or whether the Government, State or National, should have part in its management, — these are questions upon which there must necessarily be differences of opinion.

But be the diversity of views as to the precise character of the institution, the place of its location, and the mode of its constitution and government, what it may, upon the primary question of whether we will have a *university* in America *somewhere*, and at the earliest possible day, there should be no difference of opinion.

There is one other question, moreover, that may be settled now. It may be safely assumed in advance, that the founding and endowing of the institution is a work in which it will be necessary for the citizen, the State and the General Government to unite; for it will cost millions of money, and require the careful guidance of the wisest scholars and statesmen the land can afford. And who doubts that all these forces — the people, the State, and the National Government — will respond if the scholars, the active laborers in the cause of education, and the leading statesmen of the country, with one voice demand it."

Meantime, the chairman of the committee has been in active correspondence with prominent educators in all parts of the country with very satisfactory results. But few dissent from the urgent necessity for such a movement, and many have pledged their hearty coöperation. The committee have been particularly gratified with the non-manifestation of that local selfishness which so often stands in the way of great enterprises whose aims are universal, and whose success depends on the unselfishness and heartiness which the ablest men of every

section unite for their furtherance. A notable example of this praiseworthy devotion to the one great end sought to be accomplished was recently furnished by citizens of the District of Columbia. Earnestly desiring the early establishment of a National University, and not understanding that the measures instituted by the National Convention of 1869 were in active operation, they submitted to the last Congress, and were urging with considerable hope of success, a bill for the founding of a "National University *of Washington*." Nevertheless, when they became more fully aware of the breadth and earnestness of the plans and purposes of the National Committee, they unanimously resolved to place their movement in abeyance and to cordially unite with the National Educational Association for the accomplishment of the main object, with but secondary regard to the question of location.

Measures like those now in operation, looking to the realization of a great University in no way antagonistic, but only supplementary to our best existing institutions, if heartily supported, as they ought to be, by men of liberal spirit in all portions of the country, must eventually lead to practical results of great importance to the cause of American education and of human learning everywhere. We feel warranted in saying that the committee who have the enterprise in charge crave the counsel and active coöperation of all who sympathize with the object of their labors.

Statistics of Collegiate Education. — In a series of articles which made its appearance during the past winter, under the title "College Improvement," in the pages of "The Palladium," "a Church and College Gazette," published in New York city, are presented some interesting facts in regard to collegiate education in the United States, collected and analytically examined by President Barnard, of Columbia College. These statistics seem to have been intended as the basis of some suggestions looking to the better adaptation of our systems of collegiate instruction to the wants of the age ; but with the suspension of "The Palladium," the series has been brought to a premature termination.

Dr. Barnard first points out that the university system of Europe was originally the same in England and on the continent; and that the organizations which, under the name of *Bursaries* and *Colleges*, sprang up within the universities, were designed for the control and moral training of the students, and not for their instruction ; but that these organizations, which have disappeared on the continent, have, in England, gradually assumed to themselves the proper work of the university ; and in virtue of certain important advantages which they possess, in the power to award honors, prizes, scholarships, and fellowships, and practically to control the granting of degrees, have reduced the university

itself to a machine without usefulness, and almost without life. By the substitution of the collegiate for the university system of instruction, the whole method of the teaching has been changed; and its scope has been narrowed down to an invariable round or curriculum, which every candidate for academic distinction is compelled to pursue without the slightest deviation. Thus the methods of the higher education in England have none of the elasticity which is a prominent characteristic of those which prevail on the continent; a characteristic, by means of which the university keeps itself always abreast of the knowledge of the age, and accomplishes the double object of preparing its pupils for the present, while it informs them of the past.

The American College system was originally a simple imitation of that of England. It has been modified by a large extension of the scope of the curriculum, without, however, extending the time allotted to the course. The effort seems to have been to imitate feebly the elasticity of the university, without getting rid of the inelastic framework with which the higher education was first shackled by the colleges. Nevertheless, reverence for the collegiate system has become to such a degree traditional in England and in our own country, that the expression "liberal culture," is always understood to imply first, education according to a prescribed curriculum; and secondly, acquired learning, of which much the largest part must be that which was the only learning in the seventeenth century.

The attempts made in American colleges to combine instruction in ancient learning with instruction in modern science, giving to both together no larger an amount of time than was formerly given to the first alone, has had the effect to render teaching necessarily superficial. And a perpetual struggle is going on in these institutions between the champions of the old learning and the new. Neither party is satisfied with the hold it has now upon the ground. The first is chagrined that it has been compelled to yield so much; the other is discontented, because what it has gained is not sufficient for its purpose.

While such have been and continue to be the differences between educationists, the question arises, — and it is a very interesting one, — where do the public stand in regard to this matter? and what is the popular estimation in which collegiate education is held at the present time in the United States, as compared with what it was some decades of years, say a half century ago? It is upon these points that the statistics gathered by Dr. Barnard shed some light. We proceed to present some of his results as succinctly as possible; observing that the authorities depended on are, for colleges, the lists of the "American Almanac," from 1830 to 1861, the "American Year Book," for 1869, the "American Quarterly Register," the "American Journal of Education," and (for recent years) the collected catalogues of the colleges themselves. From the lists in the "Almanac" and "Year Book," have

been carefully excluded all institutions not having the character of chartered colleges for male students; and every effort has been made to limit the enumeration strictly to the undergraduate students in arts. For population, the United States census has furnished the numbers for the successive decennial periods; and the enumerations of the several States (where they have been taken) for the points of time, half way intermediate. For the years for which such positive determinations do not exist, calculations have been made upon ratios derived from the census, according to the ordinary rules of computing increase of population.

It appears then, first, that the number of undergraduate students in attendance in 1870 upon all the colleges in the United States was but slightly greater than it was in 1860 (increase from 13,661 to 14,141 in ten years; or 480 only in all); while the increase of the white population of the whole country was about thirty-three per cent. From 1840 to 1860, the increase in the number of students was forty-five per cent. (from 9,416 to 13,661 in twenty years, — absolute increase, 4245); while the white population of the country in the mean time increased very nearly one hundred per cent.

Comparing the numbers of the students at each of these periods with those of the white inhabitants of the country, it is found that, in 1840, every fifteen hundred persons of the entire population furnished to the colleges one undergraduate student; but that, in 1860, one was sent for every two thousand only, and in 1870, one for every twenty-five hundred.

To avoid or evade the objection that the statistics of the whole country embrace the pioneer populations of the West and Southwest, in which the need of the higher education is less felt than elsewhere; while new States have been rapidly growing up upon our frontier in recent years, Dr. Barnard has examined and compared with these general results, those furnished by the earliest settled States of the Union, such as Connecticut, Massachusetts, etc., considered separately. Connecticut, for instance, had in 1838, two hundred and seventy-five undergraduate students in colleges in that State and in other States; but only two hundred and forty-four in 1870; a considerable decrease, although the population had in the mean time increased from 300,000 to 560,000. In 1826, Connecticut furnished 236 undergraduate students to all the colleges in the country, a number less by eight only, than she furnished in 1870, nearly half a century later.

In 1838, New Hampshire furnished to the colleges 272 students; in 1870, only 178, the population having in the mean time increased about 50,000.

Vermont furnished in 1838 as many as 280 students; in 1870 only 223, the increase of population having been 30,000.

Massachusetts has nearly doubled her population since 1838. The

number of her undergraduate students in all the colleges of the country is now 732; in 1838, it was 623. And it is noticed that the absolute increase of students from Massachusetts is owing to "an extraordinary and unprecedented increase in the number of undergraduates at Harvard University;" without which Massachusetts, like Vermont, New Hampshire, and Connecticut, would have exhibited a retrogradation instead of an advance. Moreover, this increase at Harvard University has been undoubtedly owing to the fact that that institution has been, in recent years, gradually extricating herself from the fetters of the iron-bound collegiate system, till at present her teaching is almost as entirely unshackled as that of any European university; and hence the growth of her numbers is no indication of growing esteem for that system, but directly the reverse.

New England is the only part of the country in regard to which records have been found which allow a comparison in detail to be made between the present and the past. It is fortunately also the part of the country in which educational systems were earliest matured; and in which the phenomena indicative of public opinion on this subject have been affected by the fewest disturbing causes. The actual number of undergraduate students furnished by each of the New England States to the colleges of the same, or of other States, has been ascertained with a near approach to exactness for the years 1826, 1838, 1855, and 1870. In all New England, the ratio of students, furnished by the States collectively to the total population of the States, was (in round numbers) in 1826, one to 1,500; in 1838, one to 1,300; in 1855, one to 1,700; and in 1870, one to 1,900. From all New England, the absolute number of undergraduate students in the colleges of the country was only seventy-four greater in 1870 than in 1838. If we leave out of consideration Harvard College, at both dates, as we have seen we ought to do, the total number of undergraduate students furnished by the New England States was actually less in 1870 than in 1838, by 160. And yet, between these dates, the population of New England had increased fifty-five per cent.

New England sends but very few students to colleges beyond the limits of New England; but her colleges receive very many from sister States. In 1870, the number of undergraduate students sent from New England to colleges out of New England, was less than seventy; but the number in attendance on New England colleges from States not belonging to New England, exceeded nine hundred. It is owing to this fact that the total number of students in attendance on New England colleges has been for the last half century increasing; though of late years, more slowly than before; while the actual attendance on those colleges *from New England only*, has been for fifteen years nearly stationary; or if Harvard University be left out of the question, has been actually retrograde. Of all the New England colleges together, the

total attendance, the attendance from New England, and the attendance from States not belonging to New England, is shown for the several dates above named, in the following: —

| Year | 1826 | 1838 | 1855 | 1870 |
|---|---|---|---|---|
| Total Attendance | 1402 | 2087 | 2487 | 2617 |
| Attendance from New England | 1156 | 1587 | 1697 | 1715 |
| Attendance from States not of New England | 246 | 500 | 790 | 902 |

Thus the foreign attendance has steadily grown, but the growth in recent years has been comparatively slow.

But even with the aid of accessions from without, the individual New England colleges have, in most instances, a smaller attendance at the present time than they have had in former periods of their history. This is true of eight of the eleven colleges which were in existence in 1826; the exceptions being Harvard, Yale, and Trinity; both the latter having at present a very much larger proportion of their students from abroad, than from New England. Yale College had, for instance, in 1870, more than three hundred from States beyond New England, and only two hundred from all the New England States put together. In 1824, Yale College had 178 undergraduates from Connecticut alone, she being then the only college in the State. Now there are three colleges, Yale, Trinity, and the Wesleyan, having a united attendance from Connecticut of 190, only twelve more than Yale alone had half a century ago, although the population of the State has in the mean time doubled.

The papers of Dr. Barnard, referred to in this abstract, go into many details which we have not room to reproduce; all conspiring to confirm the general conclusion that the drift of public sentiment in the United States is unfavorable to the maintenance of the inflexible system by which our colleges have so long been bound. The remarkable successes of Harvard University, under her new system, of the Michigan University, of the Virginia University, and of the more recently established Cornell University, furnish corroborative evidence of the same truth.

One very significant result deduced from a view of all the statistics collected, is, that during all the earlier years covered by the inquiry, the tendency of public opinion was decidedly opposed to that which so strikingly marks the later. From 1826, and from probably a much earlier period, the collegiate system of education was steadily gaining ground in popular favor. The turn of the tide appears to have taken place about the year 1840, a point of time nearly coincident with that at which the numerous applications of modern science to the amelioration of the condition of man began to be generally felt and appreciated.

Dr. Barnard has given careful attention to the question how far the conclusions drawn from the educational statistics examined, are amenable to question, on the ground of any disturbing influences, which the influx of large accessions to the population of the country from abroad,

or the development of manufacturing industry at home, or the growing disposition of Americans, to send their sons to the educational institutions of Continental Europe, may have exerted upon the phenomena. In regard to the first point, he has found that the indications unfavorable to the collegiate system are most strongly marked in the States where the foreign element bears the smallest proportion to the population, or is most nearly stationary; and least so in the States in which this element is, and has long been largest, and is most rapidly increasing. Connecticut is somewhat anomalous in respect to this matter, having a proportion of the foreign element approaching to that of Massachusetts and Rhode Island; but agreeing nevertheless with Vermont and New Hampshire, in the very decisive indications which they furnish unfavorable to the system, rather than with her immediate neighbors, whose statistics if unfavorable are less so. The influence of the foreign element of the population upon public sentiment in regard to the question in hand, appears therefore to be insensible.

An examination of the industrial statistics of the country, leads to the same conclusion, as it respects a possible influence of a similar kind proceeding from the growth in certain of the States of great manufacturing establishments.

Finally, as it respects the possible effect on the numbers resorting to American colleges produced by the disposition of American parents to send their sons abroad, it is, first, an open question whether this is really, as assumed, a *growing* disposition; and it is secondly, a matter of simple fact, that the education which is sought for such young men is a different education from that which American colleges give; so that the presumed disposition, if it exists, is itself among the phenomena which show that the collegiate system, in the form in which it has so long existed with us, is losing ground in the popular favor.

The brief synopsis which we have here endeavored to give of the results of Dr. Barnard's inquiries, will suffice to show that the aspect of the question which they present is one deserving attention. Hitherto the merits of educational systems have been discussed mainly *a priori*, and upon theoretic grounds alone. But it is little to the purpose to prove, or to *seem* to prove, abstractly, that any system is the best possible, provided that, after all, the deliberate judgment of the people for whom it is intended, pronounces it not to be such. It is to be hoped, that hereafter, educationists will devote more thought than they have done hitherto, to the statistics of this subject; and that they will coöperate with each other in the endeavor to make these statistics at once full and exact.

Food for the People. — The amount of food annually consumed in Massachusetts by its million and a half inhabitants can be easily calculated. At two dollars a week for each individual, it exceeds in value

one hundred and fifty millions of dollars, and the fuel, wages, and other expenses in preparing it for the table may be safely estimated at as much again. Boston, with one sixth of the population of the State, probably consumes at least one fourth part in value of flocks and herds, sugar and flour, fruit and vegetables. A large portion of the towns in Eastern Massachusetts draw their supplies in part from the capital. They have no markets or market days of their own. They produce, but not enough for their wants, and for the rest they send to the city. Any improved methods of supply, transportation, or distribution, that promise to increase its quantity, improve its quality, or lessen its cost there, will be serviceable elsewhere.

Increased market accommodation in central positions are of the first necessity. Last year petitions were presented to the city council of Boston praying for enlarged facilities and better regulations, and the subject was referred to a highly intelligent committee, who heard evidence, visited other places, and in their printed report, recommended the purchase of sites at South and East Boston and Roxbury; but they came to the conclusion that no suitable spot was to be found in the city proper which it would be prudent to purchase. Opportunities are likely to offer even there, however, in the removal of railroad stations, when the buildings they leave behind them can be readily adapted to market purposes. One defect in the regulations was pointed out to the committee and remedied. Market carts bringing produce from farms in the neighborhood had been forbidden to remain later than eight o'clock in the street contiguous to the Central (Quincy) Market, and in the frequent instance of their not completing their sales by that hour, they were forced to sacrifice, not to consumers, but to stall and cellar holders. Should the city ever be fortunate enough to possess market accommodation commensurate with the business to be transacted, stalls would be cheaper and sales effected with less expense. Supplies being more abundant, and prices more reasonable, what are now luxuries would be brought within the reach of larger classes of consumers, and the aggregate of profits from the increased amount of sales would not be diminished. It would work no harm to any one. Housekeepers would more generally resort to first hands for their daily purchases. Storekeepers would do a larger business at less expense by taking stalls in the new markets. Owners of a few of the estates now occupied by provision stores might sustain for a time some loss of rent, but with the growth of wealth and population would find equally lucrative use for their property. The amount of market rents now going into the public treasury, about one hundred thousand dollars, is an insignificant percentage (about a mill on the dollar) on the total of sales of food in the city, while it would not be extravagant to say that the saving to the city in a single year, from a better system, would pay off half the city debt. As a question of political as well as household economy, cheap food, if

good, tends to promote general prosperity. It develops wealth, creates values to be taxed, and in many other ways benefits a city. Authority, if enlightened and up to its work, will not neglect or defer what is apt to become more difficult and costly the longer it is delayed. There can be few Bostonians, at all events, insensible to the want of larger and better markets.

Some defects in the existing markets might be rectified at once. They should be more closely connected with the railroads and steamers that bring meats, vegetables, and fruits from various quarters. Much of the fruit, in particular, is shaken over uneven streets; strawberries and peaches and other equally delicate descriptions perishing in large quantities, to the great loss of those who might have enjoyed them, or sold damaged to the greater detriment of their consumers. Not only fruit and vegetables, but milk, butter, and eggs, are still brought into our cities from the surrounding country. Forty years ago, market gardeners passed a part of the night upon the road to be on their rounds or in the market place at daybreak; and it was stated at the hearing last winter, to which reference has been made, that a large proportion of country produce is still brought in the same manner. But it is easy to see that increased facilities and ingenious contrivances for bringing market stuff with the least possible deterioration, will soon supersede the older transportation. If farmers all over New England could send the produce of their farms directly from their railroad stations to the market, and stalls were cheap enough to make it worth their while to have one of their own, or if the transportation were rendered sufficiently simple, safe, and economical to enable their sending what they raised to dealers upon favorable terms, much more would be sent, and what was sent would arrive in better condition and at less cost. They would thus be encouraged to improve their soil, to replant orchards and forests, to rebuild houses and barns, to be more content with the life and occupation of the country.

Not only should our markets be abundant and well connected with railroads and steamers, but more attention should be paid in them to the inspection of food. Recent reforms originating in the zeal of public spirited individuals, have been introduced to advantage and worked well. Our milk inspection, after much opposition, has prevented or greatly diminished the adulteration of milk. The society for the prevention of cruelty to animals has done much to discourage the crowding of cattle and sheep in the cars or bringing them famished or fevered to market. But we still need well regulated shambles where only healthy animals shall be slaughtered and no meat leave them that is not fit for the table. In France the *abattoirs* are regulated by law, so that whatever finds its way to market is wholesome. The Jews in Boston have the guarantee of their Rabbis that their meat is not carrion. We certainly should not allow either Jew or Gentile to be in advance of us

in a matter so vital to the public health. We should have reliable assurance that what we buy is what it purports to be and what we bargain for. Statutes impose penalties. Market clerks are clothed with powers occasionally exercised in flagrant cases, where violations of law or ordinance end, as lately, in death. But it is believed the existing system is neither sufficiently searching nor sufficiently comprehensive. It should be thoroughly revised. We possess now a complicated system of inspection of weights and measures, of fuel, fish, staves, and numberless other articles, responsible to no one, how far useful not generally known. If consolidated, simplified, methodized, the public would be more perfectly protected and at less cost. Perhaps, by such consolidation, an inspection of food could be created without increasing the public burdens, to receive complaints and institute prosecutions. It could be learned and made known if any dealer sells something adulterated, damaged, or decayed, on short weight or measure, or for exorbitant prices. Such a duty might well be imposed on the State board of health or officers of its appointment. It certainly is incumbent on that board to suggest what mode is most practicable and likely to prove most efficacious of ensuring good food and cheap for the people.

In the absence of any other proposition for dealing with the subject, without attempting too ambitious a scheme, the expediency is suggested of a branch of our Association to take charge of the matter. This, in honor of one of our New England worthies, might well be entitled the Rumford Department. It hardly needed Dr. Ellis' interesting biography of that eminent man for us to know who he was, but so few, comparatively, appreciate his distinguished services to his fellow beings as a scientific and social philosopher, that it was well to remind his countrymen of them. It is from his position as a domestic economist that his name would, with propriety, be attached to the department suggested. Its general field should be whatever concerns the household, construction, warmth, or ventilation, clothing, food, and service, but its more special charge at the outset should be food alone. It should collect statistics, influence opinion, procure desirable legislation, by diffusing information and intelligence, proclaiming abuses, and suggesting remedies. It should have its stated meetings, discuss points in controversy, and provide for lectures and publications as to the selection and preparation of food. Roasting of meats and baking of bread would seem to be simple matters, but they are little understood. Many must well remember the popular lecture by the late Mr. Horsford, long Rumford Professor of Harvard College, on the latter subject. It is so desirable that whatever is consumed should be wholesome and palatable, and that none of our blessings should come to naught from the ignorance of cooks, that the subject cannot be too often or in too many ways brought home to public notice. The best hours of nourishment, the quantities required for different ages and bodily conditions, the combi-

nations of food most conducive to the greatest constitutional vigor and health, to that state of mind and body best fitted for mental and physical labor: these are matters on which depend our comfort and usefulness. They are governed in some measure by appetite, reason, or observation, but that these are not always safe monitors is manifest.

One service such a department might render to the public, would be to recommend twenty or thirty of the leading minds, who have a taste for such matters, in every town to organize what might be called a Rumford Society. Such an association would be of great use in raising the standard of domestic service, in securing the largest facilities of transportation, in agitating for reforms desirable in public administration, and in introducing what is discovered and adopted elsewhere for health and comfort. It would also suggest the best modes of selecting and preparing food, learn and teach how to cultivate what is worth raising, and especially and generally secure for themselves and their fellow inhabitants the best of everything at the lowest rate. We are now said to be the most wasteful people in the world. We certainly spoil much precious material from not knowing how to turn it to account. But we might become one of the most economical, and derive fourfold advantage from what we now throw away without any adequate equivalent.

Dwellings for Work People and Persons of Small Income in Philadelphia. — The site of the city of Philadelphia has greatly favored the most liberal assignment of space for the erection of dwellings; the entire area between the Delaware and the Schuylkill being an undulating plain, nearly every foot of which was eligible building ground. As much of the plain lies on a substratum of sand and gravel, there is a natural drainage to cellars, and an exemption from the necessity of sewer connections for the drainage of buildings. This area embraces nearly thirty square miles between the two rivers, and, indeed, both west of the Schuylkill and east of the Delaware, the same eligible surface extends indefinitely.

For twenty years past a very general attention has been given to the erection of brick dwellings in full blocks, extending the length of the square built upon; these squares being almost always rectangular on the city plan, and 400 to 450 feet square, as bounded by the principal streets. Such a block or square will be cut through in one direction or the other, by perhaps two intermediate streets; and the general plan of building is to place first-class three story brick dwellings on the principal streets bounding such square, while on the intermediate streets two story brick dwellings are built; a square thus built upon, having from 100 to 150 dwellings, of which, perhaps 8 or 10, at the corners only, are prepared for business purposes. The principal streets are uniformly 50 feet in width, 26 feet being carriage way, and

two brick side-walks, 12 feet wide each, making up the legal width of the street. The intermediate streets are 30 feet; 14 feet being carriage way, and the brick sidewalks being 8 feet each. The frontage of the several blocks on the main streets is usually closely built up, the houses being 16, 18, or 22 feet in width, without side yards; or if with side yards, 6 feet more for each house. On the intermediate streets, the fronts are 14, 15, or 16 feet only, the blocks of houses being compact and continuous, without side yards. On one intermediate street passing through a square of 400 feet, 40 two story dwellings will be built, 20 on each side, and still leave 2 dwelling depths of 60 feet each at the extremities; or if carried quite through, which is rarely done, 60 dwellings may be so built, 30 on each side.

The depth of the lots varies from 45 to 65 feet. On the deeper lots, of 55 to 65 feet, two story houses of 6 rooms are usually erected; the house walls extending 35 to 42 feet. (See Diagram A.) The best are 16 feet front, 42 feet deep, with a basement $3\frac{1}{2}$ feet from the pavement; 5 marble steps; a first floor of 3 rooms, 10 feet high; a second floor of 3 rooms and a bath-room additional 9 feet high. These houses are valued at from $3,000 to $3,200 each.

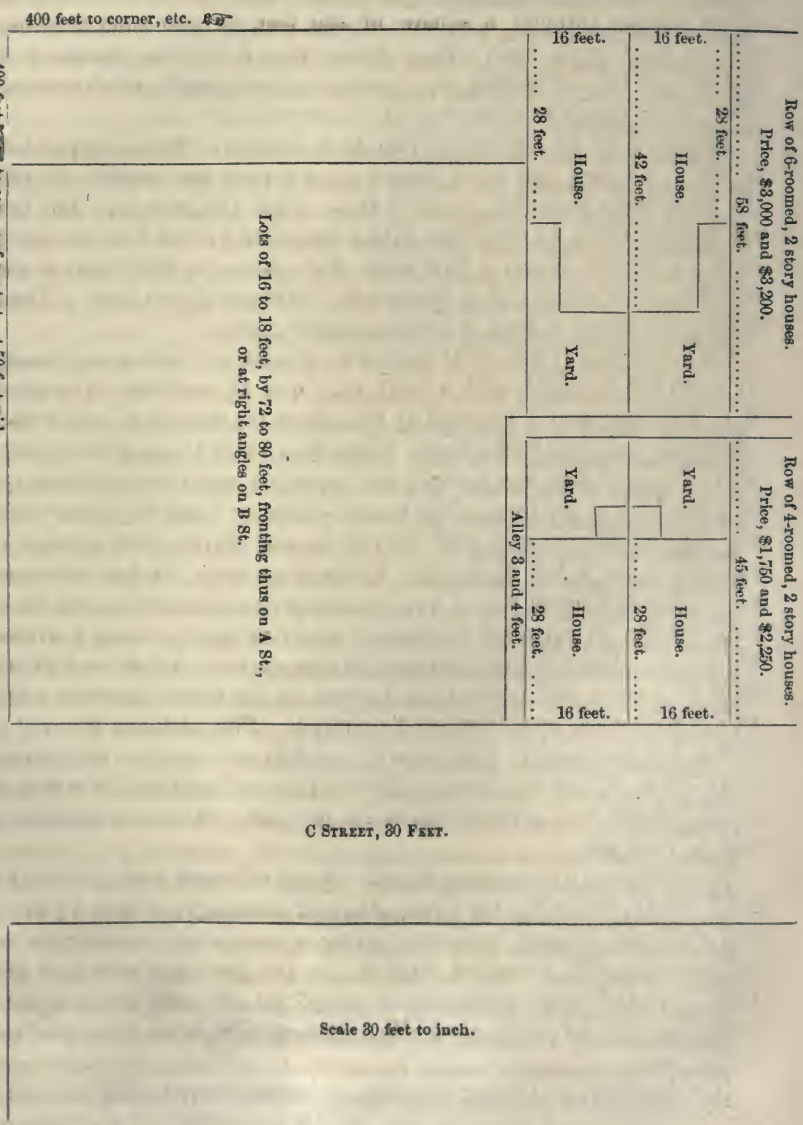
On the shallower lots of 45 feet and upwards, the houses are usually 27 to 30 feet in depth, with a front 14, 15, or 16 feet wide. (Diagram A.) The basement is elevated $2\frac{1}{2}$ feet above the pavement, well walled with stone, and 8 or 9 feet deep; a first floor has 2 rooms, 9 feet to ceiling; a second floor has 2 rooms and usually a bath-room additional, 8 or 9 feet high at the front of the house, sloping to 7 feet at the rear, with flat roof, usually covered with felt, pitch, and gravel. The number of rooms is 4, but a hall $3\frac{1}{2}$ feet by 18 below, an outer kitchen with shed roof, and a bath-room 6 by 7 feet, extending back on the second floor, really enable an occupant to make 2 more rooms, or, in all, 6 available rooms. Many of these cheaper houses are occupied without fitting up a bath-room, and without gas fixtures or hot-water apparatus; but all can have these conveniences if required. Without them, the rent is $12 to $15 per month; with them $15 to $20 per month; and the cost is $1,750 to $2,250 for absolute title. If desired, one half this sum is usually placed in a ground-rent at six per cent., which may remain or may be paid off.

Some features are common to both classes of houses, namely, pressed brick fronts; white marble steps, sills, and dressings; a floor $2\frac{1}{2}$ to $3\frac{1}{2}$ feet above the general level, thus giving a deep, and always dry cellar or basement, with abundant light in the two grated windows of the front; gas and water connections; a hydrant in every yard; a yard never less than 14 feet square, with a gate opening on an alley or street in the rear.

It is, however, to the second class of houses that we desire to call especial attention as the cheap and eligible residences for workingmen

# DIAGRAM A.

*Showing situation of Houses in Building Squares, 400 × 400 feet, bounded by 50-feet streets, with intermediate 30-feet streets.*



and all persons of limited means, which have been built by thousands in Philadelphia during the last ten years. (See Diagram B.) Their erection has rendered the existence of tenement houses well-nigh impossible in all but the crowded streets of the older portion of the city.

Diagram A, shows the situation of these houses, the open streets on which they front, and the facility of access to the rear. This is all important. In the older parts of the city, many houses of about the same dimensions are to be found, but they stand in courts or alleys, under very different influences, sanitary and other. The houses to which this paper refers, front on streets 30 or 50 feet wide, cutting straight through a square, 400 feet by 400. Take a house from such a position and put it in an alley; and it is transformed from an attractive into a most unattractive habitation.

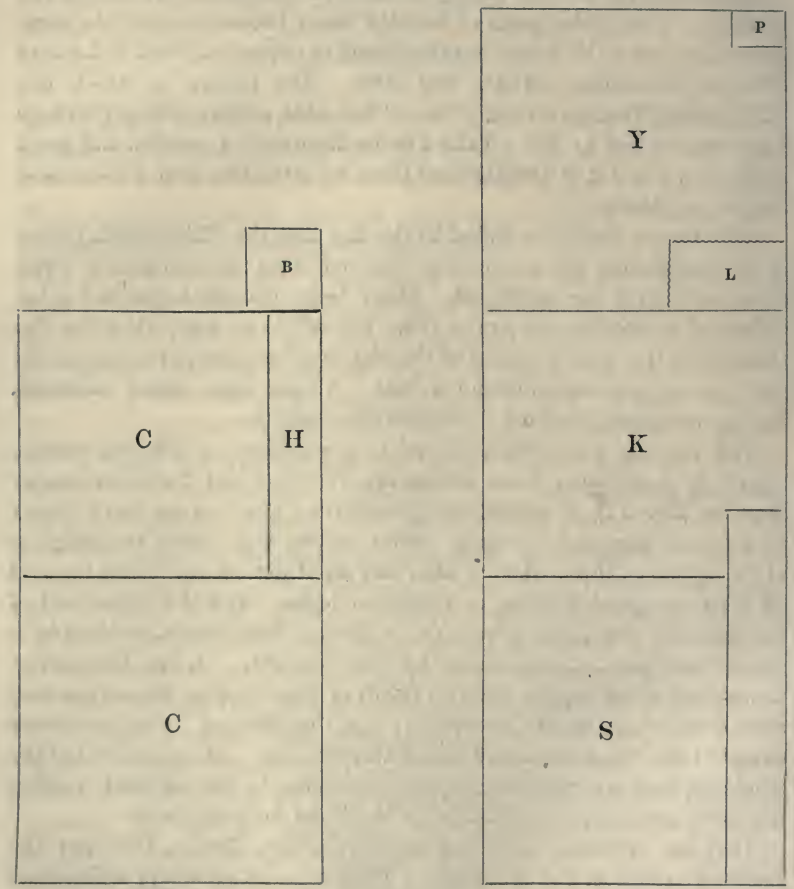
Attention is also to be called to the fact that the Philadelphia houses in open situations are not too far removed from the quarters in which their occupants are employed. Many large manufactories and other industrial establishments are in their immediate vicinity, while the distance from the central points of the city may be generally stated as not over one mile to one mile and a half. All are near street railroads, and in no manner isolated in undesirable localities.

The peculiar advantages offered to a mechanic or laboring man in regard to purchasing these houses are, that one half the value can always be placed in a permanent ground-rent, which is so much better than a mortgage that it is quite within control, and cannot be called in at the option of the holder, or after any fixed period, yet it may be paid off if the occupant chooses, or is able to do so. And the other half of the first cost may usually be paid in annual instalments, secured by a second mortgage, or sometimes by other security. It has been ascertained by careful inquiry that two thirds of these cheaper houses are sold after erection to the first occupants; and that most of these purchasers complete their payments, and obtain absolute title. About one half of the whole number are regularly rented, sometimes by the original builder, but more generally by persons who buy them for investment.

They are certainly successful in every sense; that is, they pay the builders as well as the occupants. Permits to build nearly a thousand of them have been taken out for each month, March and April, just passed; and there is no doubt that five or six thousand will be erected during the present building season. Five thousand were built in 1870. A steady increase in the number built has taken place every year, and no aid of capitalists or of benevolent agencies has at any time been asked or obtained. The building has in all cases been done by mechanics and builders by profession, generally persons of small capital, who often distribute a share of the dwellings built in a block, in part to the person who furnishes bricks, in part to the carpenter, the stone-mason, the painter, the plumber, and others. Out of fifty houses built by one

## DIAGRAM B.

*Showing plan of Houses* 16 × 28 *feet, on lots* 45 *deep, fronting on* 30 *feet street, with alley* 3 *and* 4 *feet in the rear.*




2d Story. 1st Story.

H. Hall.
S. Sitting Room.
K. Kitchen.
C. Chamber.
B. Bath Room.
L. Outer Kitchen.

Y. Yard.
P. Privy
Depth of Cellar 7½ feet.
Height of Rooms 8½ feet.
Chambers 8½ feet, 7½ rear.
Scale 10 feet to 1 inch.

builder in a single enterprise, perhaps half will, in this manner, be sold to the parties furnishing the materials; and in this way eight or ten persons are interested in making final sale of them to permanent occupants.

Cheap Trains. — The Massachusetts Legislature has been petitioned to require railroad corporations about Boston to run cheap trains for the accommodation of mechanics, artisans, and laborers. In support of the petition it was urged that homes had been broken up and the expenses of living greatly increased for the direct benefit of railroad property. For example, the Boston and Lowell Railroad had been authorized to take a piece of land covered by two hundred houses, most of them occupied by several families. Eminent domain has been given without limit to irresponsible corporations, while no provision has been made for securing the rights of tenants deprived of their homes. The legislation asked for has been adopted in Europe with signal advantage. In the British House of Lords on Friday, April 22, 1864, the following sessional order was proposed by the Earl of Derby, and unanimously adopted, namely, "That it be an instruction to the committee, providing for any railway constructing in the metropolis, to require such railway company to run a cheap train morning and evening, the fare not to exceed one penny for the whole journey." His lordship also remarked that this rule applied already to the North London Railway, which may be seen on reference to their act, 24 and 25 Victoria, c. 196, sec. 45. He further stated that the London, Chatham, and Dover line voluntarily adopted the principle on his motion, by agreeing to run trains morning and evening, a distance of ten miles, for one shilling a week. In justice to the railway companies required to furnish this accommodation, it is provided that the number of workmen claiming this privilege shall not be less than one hundred. Three years before this, on the 11th of March, 1861, Lord Ebury informed the House of Lords that an arrangement had been made that day with three of the principal railway companies by which they consented to convey not less than one thousand passengers a day from any place within ten miles of London and back for two pence a day, thus offering a great inducement for the formation of suburban villages on a large scale.

The petitioner (Mr. Josiah Quincy) also showed the important bearing of cheap trains upon his plan for providing homes in the country for laborers and artisans. The improvement of the condition of the working class is vital to the interests of the State. To give the laborer proper independence he should be the owner of a house, or, at least, have a property interest in a house that could not be taken from him at the caprice of a landlord. While this is manifestly impossible in the city, associations are forming to provide their members with homes a few miles in the country. The legislation asked for will breathe into

those associations the breath of life. It will enable workingmen, by depositing in a savings bank the difference between the high rents they now pay and the interest on the wholesale value of a house in the country, to provide themselves with homes at once, and in a few years to own them. Were the villages contemplated established, the business of freighting and the regular fares paid by the friends and families of the householders would more than compensate the railroads for the accommodation asked by the petitioner.

Bureau of Statistics of Labor of Massachusetts. — The second annual report of this Bureau, extending to March 1, 1871, goes over a great deal of ground. It contains, to use its own summary, "an account of the origin of combination, and its development into the Gilds of ancient times and the Trades-Unions of modern days, the origin and object of strikes, and a minute account of several of those which occurred in Massachusetts in 1870, with suggestions that point to a melioration of their evil effects, to a diminution in their occurrence, and ultimately to their entire extinction through natural and peaceful processes. Following these is information upon agricultural, domestic, commercial, manufacturing, mechanical, and other industrial subjects, derived from replies received in answer to blank circulars sent to employers and employed, and from oral testimony given by each of those parties, covering the subject matter of wages, earnings, and cost of living, methods of work, working time, hours of labor, educational condition, women's work and wages, factory life, child-labor. Special subjects of investigation are savings-banks, the profit accruing to each operative in a factory were the establishment coöperative; the influence of factory life, and the employment of children in factories; the results of reduction in hours of labor; present actual wages abroad; examination of the homes of the poor in Boston."

In a programme so extensive, some points naturally find more thorough treatment than others. If we may discriminate in a kindly spirit, we regard the theories of the report as of less value than the statistics, and of these the better part seems to us to consist in these which relate to local interests, particularly the Cape fisheries and the working-women of Boston. A peculiar interest attaches to the statements made by workingmen before the Bureau. As one reads them he gets new glimpses into lives with which he would fain be more familiar; he sees what their joys are and what their sorrows, learns what they want or think they want, and respects or pities them according to the character they disclose. We have gone over many pages in this part of the report, hardly conscious of reading an official document, but feeling as if we were standing by a workman in his mill, or sitting with his family about him at his home. Taken together, these experiences of the working classes, written down from their own lips, are a contribution to the

labor question, and to all the subjects involved in it, such as is seldom made within the covers of a single volume.

Here is part of the story of a girl from New Hampshire: —

"Came to Boston March, 1865, to live with Mrs. —— on Beacon Street, in capacity of seamstress, and to take some care of the children three and five years old; lived there until October, 1869, receiving $3 per week. Was allowed Thursday evening of each week and one Sabbath per month. Finding my health failing, I resolved to seek employment in some shop, not thinking I should find any difficulty in obtaining work which would afford me a living. I obtained work in a clothing shop at finishing pants; earned $3.85 the first week, the next a little more, and so on for thirteen weeks, paying $4 per week for board, sharing a room with three others. I was then again taken sick and unable to work for two weeks; drew some of the money I had earned while in service from the savings bank; cold weather came on and I was obliged to draw more to procure clothing for the winter; dull times coming, was discharged, or rather told there would be no more work for two months. Day after day I went in pursuit of work, but having no trade was refused many times where I might have obtained it had I been qualified to make a garment entire, or to do nice embroidery. My inability was the bar to my obtaining work in dull times, so I was refused at every place. I went to my lodgings discouraged and sick: had no home to flee to, no work, and was using my little savings faster than I had earned them. Was taken sick, stayed in my boarding-place until I had drawn my last dollar from the bank; growing still worse, my physician advised me to go to the hospital; this I had great dread of doing, but was growing worse so fast I went, and stayed four weeks; was then able to work a little; returned to my boarding-house and was refused board without payment in advance; was obliged to accept the hospitality of two former shopmates and sleep three in one bed; next day obtained work, finishing pants; soon we were cut down ten and fifteen cents every payment. Workwomen are constantly discharged and new girls hired so often that I am now in constant dread of a discharge."

A journeyman mechanic thus opens his mind about the inadequacy of the wages system: —

"I am impressed with a conviction that human labor is but partially influenced by the laws of supply and demand, and the working classes have ascertained by sad experience that their supposed equality with capital is a delusion. They see that there is no such freedom of upward range in wages as is claimed to exist. There is always an abrupt and sharply-defined point limiting the advance in income, corresponding in its nature to the fixed height of the fluid-column in the exhausted receiver, while on the descending scale of wage the almost uniformly mournful history of labor proves the inadequacy of the competitive system to meet, in any fair estimate, the needs of the laborer or the demands of equity in his behalf. There is not the least reason, broadly considered, to suppose that the first award to labor in the shape of wages bears any just relation to production. The vast amounts hoarded in our cities have gone, by the terms of the original division of the results of toil, into the hands of capital. If there was ever a State in the world preëminent for the laborious industry, frugality, intelligence, and temperance of its working people, Massa-

chusetts is that State. Labor has not had its fair share and then lost it through idleness, extravagance, or debauchery, but the vicious principles of a corrupt industrial and financial system have robbed it, until the amazing exhibit which the facts and figures make has ceased to alarm the public conscience.

"Here is a whole working population absorbed in material pursuits, or at least so engrossed for thirteen or fourteen hours each day as to turn to a superficial farce the attempted devotion of a brief interval of exhausted effort to spiritual, intellectual, ideal, or social avocations. The absolute abandonment of the privacy of the home by our respectable working class in double occupancy of a house; the full development of the same poverty-stricken tendency in the abominations of our tenement houses; the exodus from the State each year, as shown by the United States census, of five or six thousand of the best class of our working-people; the withdrawal from our churches of laboring people utterly unable, by their utmost effort, to command an income sufficient for such expense; the prodigious stimulus to fraud and crime which results from the low average income of the people; the prostitution and misery of woman, forced out of her natural sphere by the general avoidance of marriage obligations on account of expense, — all these are confidently pointed to, by intelligent and thoughtful labor, as inevitably resulting from the appalling inequality in the distribution of wealth."

The testimony of a mule-spinner bears directly upon points in the preceding extract:—

"Am English born and have been a spinner since ten years of age; have a wife and two children; herself and a child, 12 years old, work in the mill, both weaving; the wife, with the girl's help, tends 10 looms, running 156 picks per minute; some tend 8, some 7, if without child help. Wife and child leave the house 4 days of the week at 6.20 in the morning, and do not return till about 7.30 at night. Wednesdays and Saturdays they leave home at 5.30 A. M., and on Saturdays get home at about 4.15 P. M., so that they are absent from home on 4 days of each week 13 hours 10 minutes; Wednesday of each week 14 hours; Saturday of each week 10.45 minutes, making for absence from home each week, 77 hours and 25 minutes. Of this time they occupy about 3 hours going and returning, and 4½ in eating dinner at the mill, as they never go home to do that.

"[They are, then, really in the mill 74 hours 25 minutes per week, an average of 12 hours 24 minutes a day. Of which 69 hours and 55 minutes are given to work, being an average of 11 hours and 39 minutes per day under an 11-hour system.]

"For breakfast we manage thus: I get up at 5 o'clock and let wife and children lie while I get the meal ready, then they get up, we eat and start for mill.

"*Q.* Who gets your dinner? *A.* We make it and put it in the pails over night, because we have no time in the morning. I take my dinner to the mill and eat it there, then I run home and do a little choring, chop wood and the like of that, to get ready for the night. I have bread and meat and a little pie, — the same as wife has. I get home at 7 o'clock, and help along supper until she gets home, and then it will take us both until half-past 7 to get ready to commence on the supper, and we get through supper about 8 o'clock. *Q.* In the summer time you have a little daylight, and in the winter none at all?

*A.* Yes, sir. *Q.* What time do you get home on Saturday afternoon? *A.* 4 o'clock; we leave off at ¼ before 4. Q. How do you employ the time on Saturday afternoon? *A.* Cutting wood and choring round; odds and ends. *Q.* How do you employ yourselves on Sundays? *A.* I generally lay in bed until about 8 o'clock Sundays. Then we both get up and get the children ready for Sunday-school and send them to school, and then it takes wife and me about all the time to wash, clean, and scrub up the house, and cook the extra dinner for Sunday, so we can have a comfortable meal. We have warm dinners on Sunday. In the afternoon we sometimes take a nap. Then I get supper, and take a walk round and get myself ready for Monday morning again. *Q.* Why do you not attend church on Sunday? *A.* I really have not time, because if I went to church, my woman would have all the work to do, and it would take her all the day Sunday, and that would be seven days' work, and I would be resting and she working, and so I stay at home and help her, and we get through just in time for dinner, and then we take a nap and take a walk in the afternoon. *Q.* Was that your way in England? *A.* Yes, sir. *Q.* You didn't attend church there? *A.* No, sir. *Q.* Do the factory people of England, as a general thing, attend church? *A.* No, sir; I do not suppose they do; the majority do not, anyway. They are too tired, I suppose, though when we had ten hours a day we had considerable more time than we have now. In England we had even more, because we had no wood to chop; we burnt coals and we could kindle them with paper, and then we had taps in the sink and got water from them, but here, we have to fetch water; we have to fetch it from 100 to 200 yards in some places. There we had taps on the sink for cleaning water and drinking. I don't think they have taps ever in boarding-houses in our town. *Q.* Your children attend Sunday-school? *A.* Yes, sir. *Q.* When does your wife do the mending for the family? *A.* She does it at night after we have had supper. *Q.* Did you marry a factory girl? *A.* Yes, sir; she was brought up in a factory from 8 years of age. *Q.* What opportunities had she had at any time during her life to acquire a knowledge of household work? *A.* I don't know that she had much. Factory girls can only learn cooking, washing, mending, and housework after they get home from mill, and at no other time. I don't know as they are as apt at these things as out-of-mill girls who live at home or service. They cook plain food pretty well. My wife lets out the washing (she has to) at 70 cents a dozen. *Q.* Describe your house. *A.* My house is one in a 4-tenement block. My kitchen in which we live is 15 by 14 feet and 8 feet high, with a single room used also as a closet, 4 by three. I have two bed-rooms 9 by 7, and 8 feet high, and two attic rooms which come down low on the sides. There is a cellar also, in which we keep wood and coal and put our food. The privies and a common well and common yard for drying clothes, are between the two blocks. I leave my youngest child at home, she is 10 years old; she gets her own breakfast from what we leave for her on the table. Then she washes herself, or comes to the mill and I wash her. At a little before 9 o'clock she goes to school and then comes to me at the house when I go from the mill after 12 o'clock, to job around a little. She eats for dinner what is left in my pail. I go back to mill leaving her at the house till about 2 o'clock, when she again goes to school. After school she comes to me at mill, and I give her the house-key. She goes home, unlocks, and waits for us to come home. My wife has worked in a mill all the time since marriage except when confined. Our children took care of themselves after about five years old."

These extracts might be much extended, but our object is simply to give a taste of what may be found in the report. We commend it to all our readers, to those who employ and those who are employed, to those who care and those who do not care for the toiler and the sufferer, for there is no one with a brain to think and a heart to feel but must be moved in some way by being brought into direct contact with the men, women, and children, whom this volume photographs before us, and in such living form and motion, that we not only see them, but hear them, hear them sigh or threaten, confess or justify themselves.

The recommendations at the close of the report show the effect of the inquiries upon the members of the Bureau: —

"1. The establishment of 10 hours as the limit of a day's work in all manufacturing and mechanical or other establishments in the State, wherein men or women, or both, are employed.

"2. The prohibition by law, with appropriate means of enforcement, that no child under 13 years of age shall be employed in any such establishment, nor at that age unless such child has received the elements of a common school education, — age and education to be matters of due certificate, provided for by law; and further, that all children between 13 and 15 years of age, so employed, shall not be employed more than 6 hours any one day, said hours to be between 6 o'clock in the forenoon and 6 o'clock in the afternoon, and shall attend school, vacations excepted, 3 hours on each and every day

"3. A system of inspection, whose function it shall be to look after the enforcement of the laws regulating the hours of labor, and the employment and schooling of children, referred to in the second recommendation, and protection against accident to life or limb, by unguarded machinery or belting, in manufacturing or mechanical establishments.

"4. The establishment of a system of half-time schools for children between 13 and 15 years of age employed in such establishments, and for other children whose avocations deprive them of the benefits of the ordinary full-time schools."

Massachusetts is working nobly for social science. If she were an association for that special purpose, she could not do better than she has done this year in the reports of her boards of State Charities, Health, and Labor. Which of these three gives the most valuable information we will not attempt to decide; but the one which bears away the palm for humanity, the one whose report is most in sympathy with the classes of which it treats, is the Bureau of Labor, and for this the credit must be largely due to the chief of the bureau, General H. K. Oliver.

The Society for the Reformation of Juvenile Delinquents, New York, describes an interesting plan of work for an improved class of boys, and as a means of encouraging good conduct among the inmates of any reformatory, we print it in full: —

1. Sufficient shop-room will be set apart, separate from the other boys, to accommodate not to exceed fifty, and the requisite number of instructors to carry on the bottoming and finishing of shoes.

2. The class of work in this shop is to be of finer quality, requiring greater skill and better workmanship than in the other shops.

3. The instructors are to be qualified to give thorough instruction in the several branches of the business, with the view of imparting to the boys skill and knowledge sufficient to enable them to become first-class workmen.

4. The requisite qualifications for a boy to enter this shop are, first, a good grade of conduct; second, advancement in the school to, at least, the third class; third, a service in the shop, of at least nine months; fourth, an aptness for, and a desire to learn the trade.

5. The conditions are, first, to serve three months in the department without extra pay; second, for the next three months each boy to receive wages from the contractor, in addition to the rate paid to the Institution, to the amount of three dollars per week; third, for the next three months an advance of two dollars per week on the previous wages.

6. Work damaged by a boy through carelessness or neglect, after the first three months, is to be paid for from his earnings, to an amount not to exceed one half of the actual damage.

7. After six months' service in this department the boys may have a separate table in the dining-room, and may draw not to exceed one quarter of their week's pay, either for the purpose of furnishing themselves additional food, clothing, books, or for other proper articles calculated to promote their comfort and improvement; or they may use it to aid needy friends, as they may elect. They may also have a reading-room set apart for their use, furnished with books, papers, and proper games, and the privilege of remaining up one hour after the other boys have retired.

8. During the last six months those boys who have reached the fourth class may have, in addition to their other studies, instruction in book-keeping, English grammar, and history.

9. For gross violations of the rules of the House, such as using profane or indecent language. fighting, malicious mischief, impudence to officers or instructors in the school or shop, or for unbecoming manners, the penalty shall be, during the first three months, for the first offense, the loss of grade; for the second, dismissal from the department. During the next six months the penalty shall be, for the first offense, the forfeiture of one half the week's pay; for the second, a dismissal from the department and a forfeiture of all earnings standing to the boy's credit.

10. On the completion of the nine months, each boy will receive an honorable discharge, a certificate of character while in the house, and the balance of earnings standing to his credit.

11. Good workmen graduating from this department will have an opportunity, if they desire it, to be employed in the shop as journeymen or instructors at regular wages."

This plan was not adopted without a previous experiment that justified it, and that may be related in the language of the Superintendent: —

"In my last report," he says, "I referred to an arrangement with the contractor in the shoe-shop to employ a few of the older boys in the cutting department, with a view of teaching them the trade, so that when they had qualified themselves they could be discharged from the House and employed in the shop as journeymen. The boys, after acquiring some degree of skill in this department, were to receive small sums weekly, in addition to the amount paid to the House, for themselves when they should be discharged, with which

to purchase an outfit of clothing, and also to afford them a few dollars to spare for one or two weeks' board, until they could get started as journeymen.

"There were at the beginning of the year four or five boys at work in the department, and others were added from time to time during the year, so that fifteen or sixteen have been thus employed. By the 1st of July four had succeeded in earning forty-five dollars each, and they had acquired a fair skill and knowledge in the business. They were accordingly discharged after having obtained their outfit, and, as agreed upon with the contractor, were taken into the shop at regular wages. Four others were discharged under similar circumstances on the 1st of September, and one more in November, making nine in all that have graduated from this department during the year. Several others are at work on the same terms, and they will in due time reach the same results. Of the nine that were discharged six of them are steady, industrious young men, coming daily to their work like other men, and giving good satisfaction. The other three have obtained work elsewhere, and, so far as I am informed, are doing well. *Not one of them has relapsed into his former course of life.* The boys selected for this department were, with two exceptions, returned boys, some of them for the third time; one of them during an interval of absence from the Refuge was an inmate of the Penitentiary. They were not of that class most readily managed, and previous to their entering upon this arrangement many of them were frequent subjects for discipline. *But during the whole time they served in this shop not a single complaint was made against one of them*, either in the school or at their work. The influence growing out of this plan was not confined to these particular boys, but it was felt by the whole division, and the result has been a more cheerful obedience and a more hopeful spirit among all the boys."

Income Tax. — One of the last measures attempted in the Forty-first Congress was to induce the House of Representatives to go into Committee of the Whole to consider the repeal of the Income Tax. The House Committee of Ways and Means had declared against the tax. So had the Senate in a bill which, as a revenue bill, the House Committee and the House itself claimed that the Senate had no right to originate. The Commissioner of Internal Revenue had also declared against the tax, in letters dated January 20 and 25, 1871, and addressed to the Chairman of the Committee of Ways and Means. He stated very positively that the tax is obnoxious, difficult of collection, expensive and unproductive; his estimate for the actual receipts for the coming year being "considerably short of $16,739,589." To what the Commissioner said in these letters, he adds in a communication to which he allows us to refer, his opinion that the tax is unequal, and that its enforcement offers a premium to perjury, and brings other taxes into disrepute.

To all this array against the Income Tax, the Secretary of the Treasury opposed himself with a resolution all the more gallant because of its probable unpopularity. He took the ground that the revenue is not yet in a condition to bear the loss of the Income Tax. Whether $16,000,000, or considerably less, the receipts from this source are

needed by the government, and they must be preserved, whatever the plea for dispensing with them. This is a perfectly frank and intelligible opinion, and holding it, the Secretary was bound to express it, and to do all in his power to make it respected. Nay more, his opponents were bound to do all in their power to respect it, not to the extent of submitting to it if they thought it wrong, but of treating it with the consideration to which any reasonable statement from the head of the Treasury in relation to the finances of the government, is fully and fairly entitled.

The Secretary carried the day, at least with the 41st Congress. He did so, however, not merely on the strength of the argument which he brought forward, but on that of another which he did not bring forward. The opponents of revenue reform were keen enough to scent where the proposal to repeal the Income Tax would lead, and for the sake of other taxes, they held fast to this one. With their aid, the Secretary triumphed.

The triumph, however, bids fair to be short lived. Before these incidents took place at Washington, some very significant measures had been adopted elsewhere. An organization was formed in Philadelphia, under the title of the Anti-Income Tax Association, for the purpose of legally testing the questions concerned in the tax, and an address from this body, or its individual members, to members of Congress, appears to have been one of the earliest measures adopted by the association. From this address we take the following extracts: —

"When the immediate pressure of the war was over, and the people expected to see this tax abolished, Congress made haste to reduce it from the excessive burdensomeness of its first enactment, and to conciliate the general opposition to its unexpected continuance, a distinct provision was embodied in the law that it should remain in force until the incomes of 1869 could be ascertained 'and no longer.'

"The necessity which alone justified the law having passed away, we demand that the promise given be respected, and that the law shall be permitted to expire by its own limitation. The public revenues more than suffice for the needs of the nation. We are reducing our debt at a rate unparalleled in the history of the world. That our crushing system of taxation must be lightened is acknowledged on all hands, and the only question is as to the portions to be first abolished.

"In this unexpected contingency we are driven to protest against the reënactment of the law for many reasons: —

I. Its constitutionality is doubtful, and that which may be submitted to during the exigencies of war cannot be endured without question in time of peace.

II. It is a tax on industry, thrift, and conscientiousness. It marks for its penalties the active and useful citizen who is too honest to conceal his gains, and offers a premium on idleness, self-indulgence, and falsehood, thus discriminating against all that well-ordered States seek to encourage, and striking at the sources of public prosperity.

III. It is grossly unjust in its operation. It singles out 275,000 persons [now

much less, as will be stated presently,] who are willing to acknowledge the amount of their revenues, and imposes on them a burden from which the rest of our forty millions are relieved; while the proposed increase of exempted income to $2000 will reduce the number of taxables to 116,000 [now less], and thus render the injustice even yet more flagrant.

IV. Even among the few upon whom it is thus levied its distribution is similarly unjust. It makes no discrimination between sources of income, whether derived from the personal exertions of the worker or from the interest of invested funds. From the one, it exacts a percentage on his labor, which is his capital, and dies with him; in the other case it merely trenches on the increase of accumulations which are themselves untouched. In the one case it will take the bread out of the mouth of the orphan, while in the other it may only touch the superfluity of the heir.

V. As in the vast majority of cases the returns must of necessity be left to the conscience of the tax payer, it is demoralizing in the extreme; and when this is not the case it is inquisitorial in its character to a degree that is insufferable to men trained under free institutions.

VI. Experience has shown that its evasion is easy, and that the conscientious citizen is forced to bear not only his own burden but that of his less scrupulous neighbor.

VII. Its reënactment would destroy the faith of the people in the deliberate pledges of Congress, and would thus strike a blow at the honor and credit of the nation.

These thoughtful statements are not the only service rendered by the Philadelphia Association. Applying to two eminent lawyers, — Messrs. E. Spencer Miller and William M. Evarts — for an opinion on the income tax, they received the following, which we give in full: —

"We have considered with great care the questions which you have submitted to us, and give you the results which we have reached. We are of opinion that a tax on the gross income of an individual is embraced by the words 'capitation or other direct tax' in the Constitution, and should be assessed and collected on the principle of apportionment and not of uniformity, and that the several sections of the Internal Revenue Act imposing such tax are therefore unconstitutional. We are further of opinion that no decision of the Supreme Court of the United States precludes this view or discourages the expectation that it will receive the sanction of the court. On the contrary there are dicta and suggestions in the only decisions bearing on the subject which tend to confirm the opinion we have expressed. But we are further of opinion that even if the tax on gross income, as such, is constitutionally laid by the act in question, it includes, as portions of such income, sums which cannot be taxed at all, as interest on State bonds; or cannot be taxed under such an act, as rents and annual profits of real estate, wages of labor, and perhaps other special items of taxation. Whether, if these and other portions of the income of individuals are improperly included in the income tax and must be excepted, the whole income tax falls, is a question that has been raised, but is not so clear under the decisions as to make us speak with that confidence with which we do on the other points."

The example of Philadelphia has been followed in part by New York

and Boston, where anti-income tax associations have been recently organized, chiefly for the purpose of testing the constitutionality of the tax. These movements, temperate and manly as they are, will lead, we are confident, to early results. The interest of income tax-payers, if of no others, will be fully roused, and thus a public opinion will be formed which even Congress will be slow to disregard.

Meantime the Commissioner of Internal Revenue holds his own. Nothing daunted by the disapproval of the Secretary, or the inaction of Congress, the Commissioner issued a circular ruling that no other return than that of the gross and the taxable amounts of one's income need be made, and that no return at all of an income under $2,000 shall be required.

No tax at variance with economic laws can last even in a country where these laws are not generally understood. There are certain principles or maxims, long since incorporated into every sound financial system, to which taxation must correspond. Adam Smith's four maxims have never been superseded. They show that taxation should be 1. Equal, *i. e.*, in proportion to ability; 2. Certain; 3. Convenient in time or manner; and 4. Judicious, or "to take out and keep out of the pockets of the people as little as possible over and above what it brings into the public treasury." If anything can be added, it is a maxim that taxation should be payable without temptation to fraud.

Apply these maxims to the income tax, and it shrinks from their touch. It is not equal, for it is laid only upon one class, and that a small one. The number of persons assessed in March, 1870, was 275,-248 (exclusive of those in a district from which returns were not received). But the Act of July, 1870, which raises the exemption from $1000 to $2000, reduces the number of those assessed to 94,323, or less than one in four hundred of the citizens of the United States. "As a government," says Mr. Mill, "ought to make no distinction of persons or classes in the strength of their claims on it, whatever sacrifices it requires from them should be made to bear as nearly as possible with the same pressure on all." A forcible pamphlet on the legality of the income tax, for which we are indebted to the public spirit and legal acumen of Philadelphia, presents some very striking facts: "The congressional districts are two hundred and thirty-three in number, and are set off so as to be as nearly as possible equal in population, yet in 1869, out of the whole two hundred and thirty-three, six paid $8,281,431.45, or very nearly one fourth of the whole tax; and seventeen of them can be selected from the States of Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Ohio, Illinois, Missouri, and California, which paid $17,066,277.01, or as nearly as possible one half of the tax. Descending from districts to individuals, we may mention as an illustration of the arbitrary and unjustifiable working of the law, that one citizen of New York, Mr. William B. Astor, paid more than the whole State of

Vermont; another, Mr. A. T. Stewart, paid more than was collected in any one of twenty-seven States and Territories, — more, indeed, than the aggregate amount paid by Florida, Arizona, Colorado, Dakotah, Washington, New Mexico, Utah, Idaho, and Montana combined."

The income tax equally fails to meet the other maxims of a sound system. It is not certain, for it varies from year to year with every payer save the few whose annuities or salaries know no variation. As it is paid for one year's income out of another's, its uncertainty becomes a serious thing to many people. There are, moreover, various requisitions in the schedule, hard to be understood, and harder yet to be complied with, which render the tax still more uncertain to its payers. The tax is not convenient, for it is to be paid at once instead of in instalments; or judicious, for it is extraordinarily costly in collection, and gives up to the treasury but a comparatively small portion of what it takes from the class which pays it. As to its being payable without temptation to fraud, it is so exactly the opposite as to have earned a melancholy distinction among the national revenues. Even a tax-payer, otherwise honest, becomes dishonest in face of what he feels to be both inquisitorial and unjust, and so, squeezing this item, or dropping that, brings himself to swear to an income which he would never wish to be thought his by the business or the social circle around him.

We lately heard of an Englishman who made a return of his income, and wrote upon the paper, "My income has been under £150 for the past three years; it will be precarious hereafter, for the man of whom I borrowed the money is dead." It will not be long, we trust, before the tax assessed upon our incomes will, itself, be no more.

Local Taxation. —Not national taxation alone is out of joint. Our local systems, State and municipal, are framed on principles more or less condemned by economic authorities, and more or less discarded by the governments of older nations. American finance has fallen upon a sort of Calypso's island, where it lingers beyond the seven years of the Grecian hero, beguiled by the promise of an impossible immortality. Fortunately there are many resolved, and able to accomplish their resolve, upon its rescue.

The State of New York levied taxes to the amount of twenty million dollars in 1861, to that of fifty, in 1870. Massachusetts levied seven and a half millions in 1861, twenty-two in 1870. This nearly trebling taxation in nine years, probably surpasses all that has ever been achieved by any previous system. Taxation per capita in New York amounts to $7.54, in Massachusetts to $14.35, in New York City to $29.54, in Boston to $36.10. The New York Commissioners on the revision of taxation, from whose recent report the preceding figures have been drawn, remark, "that, with the exception possibly of Paris, the

United States as a whole,[1] the State of Massachusetts, and the city of Boston, take precedence over all the governments and communities in the civilized world in respect to the extent and weight of their taxation; and it may be further noted, in respect to Massachusetts and Boston, that, notwithstanding the comparative magnitude of their taxation, the annual aggregate receipts from the same have not been sufficient of late years to prevent an annual increment of both the public and municipal indebtedness."

From such burdens as these relief has been repeatedly sought. In 1862, a joint committee of the New York Legislature presented a report, accompanied by a bill and digest, on the State Assessment Laws. Pennsylvania and New Jersey in 1867, Connecticut in 1868, and Illinois in 1870, have all taken measures with a view to improve their modes of taxation. New York has again moved during the past year in the appointment of three Commissioners, Messrs. David A. Wells, Edwin Dodge, and George W. Cuyler, "to revise the laws for the assessment and collection of taxes," and it is to their report, dated February, 1871, that we desire to call attention, as a document containing important facts and still more important suggestions. Without accepting all its conclusions, indeed without the knowledge requisite to their acceptance or their rejection, one may derive from its comprehensive statements a clearer idea than he ever had of our financial position.

Local taxation has been drawn from two sources, real and personal property. It is wisely drawn from the first, because real property is not generally employed in production, and also because an assessment upon it is not open to evasion. It is unwisely drawn, if direct, from the second, because personal property is generally employed in production, and also because an assessment upon it is open to evasion. We say "if direct," for if indirect, it may be and is derived from personal property to as much advantage as from real; but in ninety-nine cases out of a hundred, taxation upon personal property has been direct, and as such, found to be unwise. Upon this point, the report before us is emphatic: —

"All the leading civilized and commercial nations on the face of the globe (and the commission think they are warranted in making the assertion broader, and in saying every nation, civilized or uncivilized), with the single exception of the United States, have abandoned all attempts to levy a direct tax on personal property in the possession of individuals, as something entirely beyond the reach of any power of constitutional law, or indeed of any power save that possibly of an absolute despotism, to effect, with any degree of perfectness or equality; while the opinion of the civilized world generally is further agreed that all attempts to practically enforce laws of this character are alike prejudicial

[1] Of which the taxation per capita is estimated by the same Commissioners at $21.83, $19.26, and $16.09, the last probably the minimum.

to the morals and material development of a State. And the commission would add that in this latter respect the experience of the United States constitutes no exception."

The New York Commissioners, after considering the objections to the present system of local taxation, go on to suggest a better one, of which we give an outline in their own language, though abridged: —

*First.* To tax all corporations created by the State which are in the nature of a monopoly. Of such corporations the gas company is the type. It has practically no competitor in the town, city, or district in which it is located; and the amount of capital involved, the pre-occupation of the streets and the certainty of disastrous competition, oppose the establishment of rival companies. Under such circumstances, whatever taxation is imposed on such companies is transferred to the consumer, increasing thereby, to some extent, the cost of living and of production, but in a more limited degree and with less of burden than almost any other taxes that can be mentioned, except those upon pure luxuries. Other corporations which approximate in character to the gas company, would be the national banks (which may be taxed under the present provision of the United States law through their stockholders), the State banks, railroad corporations, — steam and horse, — omnibuses, ferries, and bridges. Manufacturing firms and corporations, on the other hand, not being local State monopolies in any sense, save in the exceptional case of the manufacture of certain patented articles, would not be included under this section for taxation. Private bankers, doing business in competition with national and State banks, should be taxed in the same manner, which may be done without evasion by means of a tax in the nature of a license. The surplus of savings banks is also a legitimate subject for State taxation. Fire, marine, and life insurance companies and trust companies can, in the opinion of the Commissioners, be taxed moderately and without detriment by a tax on their franchise proportioned to their capital and business.

*Second.* To tax land exclusive of buildings at a uniform valuation of fifty per centum of its true marketable or fair value.

*Third.* One of the two following plans for equitably taxing personal property, or for obtaining a more than substantial equivalent for the taxation now imposed on such property: —

1. To tax the land separately on fifty per cent. of its fair marketable valuation, and tax the building apart from the land, as representing the owner's personal property, on a *full* valuation, as indicated by the rent actually paid for it or its estimated rental value.

2. To tax buildings conjointly with land as real estate at a uniform valuation; and then as the equivalent for all taxation on personal property, tax the occupier, be he owner or tenant of any building or portion of any building used as a dwelling, or for any other purpose, on a valu-

ation of three times[1] the rental or rental value of the premises occupied. Tenement houses occupied by more than one family, or tenement houses having a rental value not in excess of a fixed sum, to be taxed to the owner as occupier.

It is seen at once that this is indirect taxation of personal property, and therefore sound, according to the principle previously laid down. To an objection that it is in fact only another tax upon real estate, Mr. Wells, Chairman of the Commission, makes reply in a separate statement, "that the personal tax is not in any sense a tax upon real estate, any more than it would be if, instead of rent or rental value, the buttons on the occupier's coat or the books in his library were taken as the standard of measurement. Or, to make the case clearer, suppose the occupier to be an individual who has no stocks or personal property investment whatever, but a large income derived from professional practice, and who rents the house or apartments he occupies. Such an individual probably now escapes direct taxation altogether; and yet, if ability to pay, as laid down by Adam Smith, is to be made the test and measure of taxation, the State has an equitable and just claim upon him; and in assessing him for personal property on a basis of three times his rental, he to a certain extent discharges such claim, and the payment of it in no ways falls upon the owner of the real estate he occupies; and the Commissioners claim that it constitutes one of the chief merits of the system they have proposed, that its provisions will so effectually and equitably bring into the range of assessment so large an amount of personal property now wholly evading taxation, that the rate on real estate, at present ranging in the cities of this State from 2.27 to 6.70 per cent., will never hereafter necessarily exceed two per cent., as a maximum."

All this, with more to be found in the Report, is commended to the thoughtful consideration of a much-taxed and much-enduring people. The time must come for turning from the politicians who have piled burden upon burden to the economists who will take them down; and as they disappear, leaving us lighter, while they leave the treasury as full as need be, we shall either wonder at the good nature or repent of the ignorance that bore with them so long.

United States Land Grants. — The facts concerning these grants appear to be that since the establishment of the Land Bureau in 1812, between four and five hundred millions of acres have passed out of the national possession, and that of this amount, one half, or over two hundred

[1] The sum of *three times* the rent or rental value is taken as the basis of the valuation of personal property, in the second proposition, on the assumption that this is the minimum rate that exists between the rent paid or rental value of the building occupied and the other available means or income of the tenant or owner. The assumption is, however, to some extent arbitrary, and can be increased or diminished as circumstances or the necessities of the State may seem to warrant.

millions have been given away, some to individuals, more to States, but most of all to railroad corporations. One corporation alone, the Northern Pacific, has obtained upwards of fifty millions, a "superb estate," as an official pamphlet terms it, "larger by 10,000 square miles than the six New England States, or as large as Ohio and Indiana combined."

To what end have these grants been made? There are two answers, — one to be given openly, the other with a judicious reserve. The former says, it is to open roads, to extend settlements, to increase cultivation and civilization. The latter says, it is to give this or that corporation a backbone, to transform it from a flabby speculation into a firm and vigorous investment, by bestowing lands, upon which a greater or less amount of bonds may be issued, to the immediate advantage of the sellers, if not to the ultimate profit of the buyers or the completion of the road and its appurtenances. The more land to be got, the more bonds are to be sold, and the greater the profits of those who sell them. In course of time, the lands themselves are sold, and generally to the satisfaction of bondholders, as well as stockholders. The Illinois Central Railroad disposed of less than four fifths of its grant for upwards of $20,000,000. The Northern Pacific puts the question as to the worth of its "landed empire," and replies with solid contentment, "If nursed and sold on judicious credits, as were the lands of the Illinois Central, the proceeds would be, on the basis of that road's sales, $550,000,000." Not a bad security for bonds, however large their issue.

The cry is, still they come. The number of acres asked by railroad corporations from the last session of the forty-first Congress, is stated to have been 189,000,000. The Oregon Branch Pacific obtained 476,000; the Texas Pacific 8,000,000, and the Northern Pacific 11,000,000. Nineteen and a half millions of acres to three roads in one session, and that the short one, of Congress. Over one hundred companies, each represented by from two to ten agents, are said to be waiting their chance to get at the forty-second Congress. One understands why a new term has been formed to describe them as land-grabbers. There seems to be need of another term for those who let them grab. Shall it be land-wasters?

It is not waste of land alone. It is waste of resource, vigor, and life. Our public domain is our safeguard against overstocked industries and overworn faculties. It opens a career to thousands upon thousands who would have none without it, who would begin and end their manhood in dependence, but for this opportunity of gaining a home and a calling of their own. It provides for the native born; and still more generously for the immigrant, to whom it is probably the greatest attraction to our shores, as it is certainly the greatest novelty when he gets here. To transfer a domain of such sovereign importance, not

only to this but to many a succeeding generation, from the control of the nation to the control of corporations; to make its distribution dependent upon private instead of public interests, the game of speculators rather than the policy of government, capricious, unreasonable, and perhaps ultimately oppressive; this is to squander, not merely the patrimony, but the very heart's blood of the Republic.

Nor is this the sum of the charges to be brought against Congress, if it perseveres in its course. The land grants are a case, or rather a long series of cases, more painfully illustrative than almost any other, of that intricate machinery which has been framed by political inventors, and by which our responsible rulers play into the hands of those who are irresponsible, setting up an *imperium in imperio*, a lobby within a legislature, and a nebula of corporations within the constitutional authorities of the Union. The repetition of land grants, such as have been made in recent years, will do more than anything else to convict those who make them of corruption and incompetency.

Act to Enforce the Provisions of the XIVth Amendment to the Constitution of the United States, and for other Purposes. — The last three words of the title should have been rather the first three; inasmuch as the Act appears to be for other purposes than to enforce the Fourteenth Amendment. This Amendment is as follows: "No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." But the Act to enforce the Amendment is to the effect that "if two or more persons within any State," or "in all cases where insurrection, domestic violence, unlawful combinations or conspiracies in any State shall obstruct or hinder the execution of the laws thereof;" in other words, that if individuals shall do what is forbidden by the Amendment to a State, then the State shall be treated as if it had done the wrong. This is certainly not to enforce the Amendment, nor can it be made to do so, by simple assertion that if the State does not put down the insurrection, domestic violence, and so forth, it is the perpetrator of them. Congress does not put down lobbying; is it therefore the lobby?

To enforce the Constitution at large, cannot have been among the other purposes of the Act. The Constitution (Article I. Section 9, 2,) declares, "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." But the Act says, "whenever in any State, or part of a State, the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the

constituted authorities of such State, and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at, the unlawful purposes of such powerful and armed combinations: . . . . it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privilege of the writ of habeas corpus." Again, the Constitution provides (Article IV. Section 4, 1,) that the United States shall protect each State "on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence." But the Act has nothing to say of an application from the State or from any authority of the State; nor does it so much as hint that such an application is to be received, before the United States shall proceed to exercise protective power. On the contrary, the whole tenor of the Act is to make the United States entirely independent of application from the State, whether to give or to refrain from giving protection.

This is a measure, advocated and opposed chiefly on party grounds, and finally adopted by a party vote. We have nothing to do with it in its party bearings. But its other aspects are such as should be clearly examined and calmly judged. Its attitude towards the Constitution appears to us unfortunate; threatening the letter, as the passages above cited suffice to show; and threatening yet more the spirit of that instrument, transcending the bounds there set to the national authority, invading the liberties of the States, and thus opening the way to another system than that under which we have prospered for fourscore years. By transferring to the general government a responsibility not belonging to it, and making it answerable for acts of violence committed by individuals, the Act necessarily transfers to it a power not its own, but one inherent in the States, and wielded by them with far greater effectiveness than by the general government.

So much for the constitutional aspect of the Act. Its administrative aspect does not strike us more favorably. The object is to allay the disturbances in some of the Southern States, to prevent the violent and even fatal results of combination among the more reckless classes, and to protect the persons and property of peaceable citizens, particularly those formerly in slavery. Now, considering the state of society in this portion of the country, the breaking up of old relations and old authorities, the confusion and the helplessness following upon war, and the processes of reconstruction, it would seem, in the first place, as if outrage and crime were sure to issue from such a condition of things, and in the second place, as if the better, indeed the only way of suppressing them were in changing the condition. This, it would also seem, could be effected only by holding the States to their proper functions as protectors of law and order, and by renewing, not by repressing, the great principle of self-government, the safeguard of peace and of prosperity.

The President's proclamation of his determination to execute the Act,

expresses reluctance "to call into exercise any of the extraordinary powers thereby conferred, except in cases of imperative necessity," and exhorts "the people of those parts of the country to suppress all such combinations by their voluntary efforts, through the agency of local laws." He adds, in language commanding universal assent, "It is my earnest wish that peace and cheerful obedience to the law may prevail throughout the land, and that all traces of our late unhappy civil strife may be speedily removed. These ends can be easily reached by acquiescence in the results of the conflict now written in our Constitution, and by the due and proper enforcement of equal, just, and impartial laws in every part of our country." This seems to us very different ground from that taken in the Act, which lays no stress upon local efforts or local laws. On the contrary, the Act provides at once a system of centralization, and its advocates enlarge upon the blessings that are to follow its introduction. We hear of the blessings of centralization with the same emotions with which we used to hear of the blessings of slavery.

Once more, we take exception to the ethical bearings of the Act. The nation is under no legal obligation to be forbearing toward the Southern communities; but it is under moral obligation. The close of their rebellion placed them at its mercy, and so completely, that its duty became that of a parent toward an erring and overmastered child. Everything that it could do to bring back a real as well as apparent submissiveness, everything that tended to promote kindliness and reconciliation, it was, and it is still bound to do. But instead of promoting gentle relations or gentle feelings, this Act tends to the very opposite result. It keeps up the animosity of every member of the unlawful combinations against which it is directed; and what is sadder still, it inflames those who never joined or even approved the combinations, rekindles their passions against the national authority, and replaces them in their false position as severed from the national interest. The Act to enforce the Amendment thus becomes an Act to prolong the divisions which the Amendment was intended to terminate.

Civil Service Commission. — On the very day of going to press, we receive the good news that the President of the United States has appointed a commission to carry into effect the clause in the Appropriation Bill, printed in our last number, by which he is authorized to prescribe rules and regulations for admission to the Civil Service, and to employ suitable persons for that purpose. The Commission, consisting of Messrs. George W. Curtis of New York, Joseph Medill of Chicago, Alexander G. Cattell of New Jersey, Lamson A. Walker of Pennsylvania, E. B. Elliott of the Treasury, and Joseph H. Blackfair of the Post-office, are summoned to meet at the Department of the Interior on the

28th of June. Our Association has a right to rejoice in this initiation of a reform which it has urged from the first moment of its active existence.

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## II. Foreign.

London Soup Kitchens and Dining Tables. — The last Report of the Society for Organizing Charitable Relief and Repressing Mendicity (a long title), tells how soup kitchens were established in London about 1848, and invalids' dinner-tables in 1858; how they have followed "an especial tendency to indefinite increase," until they amount to eighty-six, not including those of which no reports are published; and how, instead of lessening pauperism, they have increased it; nor "can we wonder," exclaims the Council of the Society, "that London workmen have lost, to a great extent, not merely the habit, but the very idea of thrift, and that instead of saving when they are in full health and work against a bad time, they spend all they get in present indulgence, knowing that others will provide for them and their families when they are in want?" Our object, in noticing this Report, is to call attention to two important suggestions contained in it. The first is the substitution of self-supporting in place of charitable kitchens; not that the poor should be obliged in all cases to pay for what they receive, but that if they are to be fed gratuitously, it must be by obtaining tickets from benevolent persons who buy them for distribution, so that the kitchens would become "reproductive establishments conducted on the commercial principle," instead of charities supported by subscriptions. The second suggestion is much broader, covering the whole ground, in fact, upon which relief to the poor should base itself. "Now that the demoralizing tendency of profuse, indiscriminate charity is better understood, we trust that benevolent people will direct their attention to the means of effecting a permanent improvement in the condition of the poor. For this purpose, charity of a far higher kind than doles of money or food is required. Useful information, counsel, and sympathy; the discouragement of idleness, improvidence, and drunkenness; the encouragement of thrift, with a view to make provision for want of work, sickness, and old age; assistance in sending the children to school, and getting out the young men and women in life; the promotion of cleanliness in person and dwelling, and arranging for the proper execution of the sanitary laws, — these are the means by which the poor of London may be rendered self-respecting and self-supporting." "Personal intercourse is indispensable. The object will be attained only when the educated, the benevolent, and the influential are brought into friendly personal communication, under proper arrangements, with the poor, the ignorant, and the helpless."

Mortgage Insurance Companies. — A system of insurance as yet entirely unknown in this country, is successful in Germany. It is that of the "Mortgage," or "Loan Insurance Companies," formed for the purpose of stimulating and facilitating the movement of capital from points of accumulation to parts where the demand exceeds the supply. These companies — 1. Receive money for investment in mortgages on real estate, either in their own name, as agents or trustees, or in that of the lenders. 2. Insure, *i. e.* absolutely guarantee the repayment of the principal of such mortgages, together with the regular payment of the interest thereon. 3. Insure, *i. e.*, absolutely guarantee the repayment of the principal of any other satisfactory mortgages, together with the regular payment of the interest thereon.

The companies are also authorized — 4. To purchase and sell insured mortgages and to borrow and loan money upon them. 5. To collect the principal and interest of insured and uninsured mortgages. 6. To purchase and sell property encumbered with insured mortgages upon foreclosure. 7. To assume the liquidation of the principal of insured mortgages for mortgageors.

For moneys invested for other parties in the name of the companies, bonds are issued to the lenders with interest coupons attached. In all investments in mortgages, the fact of their being made through the agency of the companies, carries the right to insurance of principal and interest with it. Other mortgages are not insured, unless upon due investigation the instruments are found to be properly drawn, the title of the mortgageors perfect, and the consideration of the mortgage not exceeding a fixed percentage of the value of the encumbered property. Insurance is extended alike to mortgagees and mortgageors, the object as regards the latter being protection from loss in case of sales under foreclosure.

The liquidation of the principal of insured mortgages on maturity is assumed upon the annual payment of a fixed amount in addition to the regular yearly premium. Insurance is granted by the companies upon payment of a premium calculated upon the basis of carefully collected mortgage-statistics, the premium being low enough to offer a strong inducement to lenders to insure their investments. Insurance to mortgagees involves the liability of the companies, in case of default in the payment of either interest or principal, for the immediate payment of the interest and for the payment of the principal, with interest, within sixty to ninety days after maturity. Mortgageors by virtue of the policies, can call upon the companies for the discharge of the principal of their indebtedness. In both cases the companies become the legal successors of the holders of the mortgages.

The profits of the companies are derived from, — 1. Fees charged alike on successful and unsuccessful applications for insurance. These are credited to successful applicants on their annual premiums. 2. Policy

fees. 3. The difference between interest allowed and received. 4. Annual premiums. 5. Commissions charged to borrowers on investments by the companies as trustees or agents. 6. Purchases of insured mortgages and of property encumbered with such.

The premiums charged by the "Mortgage Insurance Company," of Berlin, are: —

1. For the insurance of the principal to mortgagees and mortgageors:

| | Per 1,000 Thalers. |
|---|---|
| When the amount of the mortgage is not more than $\frac{1}{10}$ of the value of the property mortgaged | $\frac{1}{3}$ Thaler. |
| When it is $\frac{2}{10}$ | $\frac{1}{2}$ " |
| " " " $\frac{3}{10}$ | $\frac{2}{3}$ " |
| " " " $\frac{4}{10}$ | $1\frac{1}{2}$ " |
| " " " $\frac{5}{10}$ | $1\frac{1}{6}$ " |
| " " " $\frac{6}{10}$ | $1\frac{2}{3}$ " |
| " " " $\frac{7}{10}$ | $2\frac{1}{2}$ " |
| " " " $\frac{8}{10}$ | 5 " |

2. For the insurance of the regular payment of interest: $3\frac{1}{2}$ per cent. of the annual interest.

For the liquidation of the principal of mortgages, the premiums, calculated on the basis of compound interest, vary according to the number of years in which the liquidation is to be effected.

The German companies are all organized on a joint-stock basis. The Berlin company was founded in 1862, with a nominal capital of 5,000,000 thalers in shares of one hundred, of which twenty-five per cent., equal to $1,250,000, was paid in cash, and the remainder in promissory notes. Besides paying good dividends every year, (ten per cent. in 1870,) the company has accumulated a large reserve fund. The average of its risks has not exceeded fifty per cent. of the value of the property covered with insured mortgages.

Electoral Law of the German Empire. — The leading position which Germany has recently attained among European states, gives great interest to the political development of that country. The basis of German public life is the law governing the elections to the imperial parliament, of which a synopsis is subjoined. It was first adopted in 1866 for the North German federation and extended by virtue of the treaties concluded last winter between the North and South German states to all the sovereignties forming the newly constituted empire.

Under the electoral law, all Germans who have completed their twenty-fifth year are entitled to vote at parliamentary elections. For those serving in the standing army and navy the right of suffrage is suspended during the term of their enlistment. The right is denied to the following classes: 1. Persons under tutelage. 2. Bankrupts, during the continuance of proceedings in bankruptcy. 3. Paupers receiv-

ing public aid or having received it during the year preceding the election. 4. Persons under sentence of court for criminal offences. In case the offences are of a political nature, the right of suffrage becomes restored upon the expiration of the sentence or by amnesty.

The several states of the empire are divided into election districts, and the districts into precincts. The law requires that the several districts and precincts shall be well rounded off territorially, and that due regard be had in their formation to the convenience of voters. Only *bona fide* residents are entitled to vote in particular localities. Voting by proxy is prohibited. In each district and precinct full lists of all legal voters must be prepared and submitted to public inspection, and for at least four weeks preceding the election. Corrections of the lists must be made within a week after the commencement of the public exhibition. Only voters appearing on the lists are permitted to vote. Voting is secret and by ballot. The ballots must be of white paper and not recognizable by any marks. The names of the candidates may be either written or printed upon them, but not within the place of voting. The ballots are received and counted in public. They are deposited by the voters themselves in boxes placed before the election officers.

The election officers consist of a president, appointed by the civil authorities, a clerk, and from three to six "assessors," chosen by the president from among the electors of the district. They make oath to conscientiously fulfill their duties. They are forbidden to receive any compensation for their services. The election officers are empowered to decide, by a majority vote, regarding the reception or rejection of ballots subject to the ulterior decision of parliament. Ballots must be rejected, — 1. When they are not of white paper or having any particular mark. 2. When they do not contain any, or an illegible name. 3. When they leave the person voted for in doubt. 4. When they contain more than one name, or the name of an ineligible person. 5. When they contain any protest or reservation.

The absolute majority of all the votes cast in the district elects. When no candidate has received an absolute majority, a new election is ordered by the election officers, to take place within a fortnight, at which only the two candidates who have received the highest vote at first canvass can be voted for. When two candidates have received an equal number of votes, the election is decided by lot drawn by the chief election officer. Elections must be held throughout the empire on one and the same day.

Eligibility is not limited by the requirement of residence in the several districts. But only a legal voter who has resided in some one of the states of the empire for one year preceding election is eligible to parliament.

Representation in parliament is based on population, every one hundred thousand inhabitants being entitled to one representative. For any

excess of over fifty thousand inhabitants in any of the states, an additional representative is allowed. Every state, whether of one hundred thousand or less, is to have a representative.

Danish Courts of Arbitration. — We desire to give a brief account of these tribunals, not as new institutions, for they have long been in successful operation; but as judicial organizations by means of which, if wisely introduced into our own system, some great improvements in it may be anticipated.

The idea of arbitration, otherwise called conciliation, as a principle of justice, comes from Christianity itself, which bids one "Agree with thy adversary quickly while thou art in the way with him." To follow this precept and to give it its proper place in our judicial system, is a point to which we have a right to call public attention.

Although the field of social science is exceedingly broad, and the subjects embraced in it are necessarily numerous, it has few which are more intimately associated with the domestic peace and well being of communities, than that of jurisprudence. Nor are the laws of a country hardly less important in the economy of the state, than the manner in which they are administered. A nation's laws, as a general thing, grow up out of their social condition, and conform to the genius and prevailing sentiments which characterize them as a people. So that while a nation is represented in its law, there are few systems which are not better, in theory, than they are found to be in their application to particular cases. The defect in this respect, grows out of the infirmity of purpose or capacity of those who administer the laws, or the selfishness and cupidity with which they pervert them to base and unworthy ends. It is not the laws of Turkey, of which the subjects of the Sultan should complain, so much as the misapplication of them to purposes of injustice, by venal ministers for bribes and corrupt gains. And with all the complaints that have been raised against the administration of justice in a neighboring city, it should be remembered that the law of New York comes directly down from that which was illustrated by Chief Justice Hale, and is the same common law under which the citizen of Massachusetts feels secure through an honest and independent judiciary.

Reaching as it does, every rank, condition, and business of a people, the administration of justice can never cease to be a subject of general interest in any community, or to affect the social condition of all individuals. It presents certain objects to be attained, and calls for a solution of the inquiry, how these can best be secured. As one of the great ends of justice must be to secure individual right, to restore it when lost, and to restrain wrong, the first inquiry naturally should be, how this can be most surely and satisfactorily done? The next would be, how it may be most promptly reached, and the next, perhaps, how

it may be done most cheaply? In the first two, there would probably be no difference of opinion among men who give the subject a moment's thought.

Of cheap litigation, there obviously may be two, and these opposing, views. Under one of them, few things are more to be deprecated. The bitterest strifes and the most relentless personal quarrels, are those engendered between contending parties to a protracted lawsuit. Passion takes the place of reason, and the question or the magnitude in amount involved in the controversy is lost sight of in a desire to "beat." There are always men who are weak enough to suffer themselves to be led on by their own passions, especially if instigated and encouraged by others, to ask the law, at whatever cost, to avenge them of an adversary for real or fancied wrongs, and who, if they could be kept in restraint till their anger had time to cool, or opportunity had been offered for explanation, might have been spared the folly of a lawsuit, and the incurring of expenses which they can ill afford to bear. And it is doubtless true, that many as are those unfortunate conflicts between neighbors who ought to live in harmony with each other, they would be greatly multiplied if it were not for the expense of carrying them on. What is saved thereby, is not so much the money, as the bad passions which a lawsuit always stirs up, and the strife and bitterness which are often engendered thereby in a neighborhood, so that cheap litigation as a general proposition, would be anything but a blessing to a community. And yet controversies will arise, disputes will grow up among the best of citizens, and in the best regulated communities. Some of them rest upon points of difference involving principles and views of what is right and duty, which are honest and often unselfish, and which can only be reconciled or settled by the interposition of others. One of the purposes of courts of justice is, to supply this medium of interposition, and to settle these questions authoritatively. Nor has any one a right to expect that society will soon get so far in advance of its present condition, as to be able to dispense with courts of justice or the ministers of the law. And the great difficulty which the wisest judges, while acting as indifferent arbiters between litigant parties, often find in determining which of these is right in his positions, shows that these parties are often seeking thereby to establish what they may and do honestly believe to be equity.

Whatever provision government is bound to make for settling disputes once brought before its courts, it ought also to provide such measures of prevention as may be practicable against their being brought at all. Such means have been tried by clothing magistrates with broad discretionary power in order to effect an immediate settlement of cases before them, or by establishing courts of conciliation or arbitration by which controversies between different classes or different individuals may be adjusted at the outset, thus saving the

disputants themselves and the entire community from much of the heat and confusion engendered by suits at law. For such differences as involve no fault on either side, and admit a settlement without appeal to litigation, it is really the business of government to furnish easy opportunities of settling them, on just the same grounds that it furnishes modes of transportation by public highways, or any other facilities demanded by its citizens. The law in Pennsylvania has long been administered with a view to preventing needless litigation. The same object has been pursued to a great degree by the county courts of England. Were we to speak of private tribunals proposing the same end, we should dwell at length upon the boards of arbitration described in another article, by which the sting has been taken out of many angry relations between labor and capital in Great Britain and elsewhere. But we are treating now of public tribunals, by which the dockets of our higher courts may be relieved of great numbers of suits, now consuming much of their time, and rendering the duties of jurors unnecessarily wearisome and protracted.

The late Henry Wheaton, formerly United States Minister to Denmark, was the first to bring the Danish courts of arbitration to our notice. In an article in the "North American Review" for the year 1828, he speaks of them as having been established by the then reigning king. Their title in Danish is "Forligelses Commission." Mr. Wheaton also speaks of the "Hoieste Rett," the highest tribunal of the country, wherein justice is said to be administered with great purity and independence. This was instituted in 1660, and consists of fifteen judges who hold office during good behavior. It is the court of last resort, and between that and the court of which we now propose to speak, there are inferior tribunals, which it is unnecessary to describe. We have referred to these, that the reader may understand somewhat of the system now prevailing there, and perceive that it is not wholly unlike our own, and that there is nothing in the way of incorporating the courts of conciliation into the system of Massachusetts or any other State.

The subject was brought before Parliament, in England, in 1830, by Henry Brougham, while advocating the establishment of local courts. "It has been found in some countries," says he, "not, I confess, in all, that the best possible results have accrued from such a system. Where the reference has been compulsory the experiment has entirely failed." He speaks of its having failed in France, and its having been discontinued in the Netherlands. "I understand," he adds, "that in Sweden the measure has been attended with better success. But in Denmark it has succeeded best of all, and if I am not misinformed, in that country the going before a judge of conciliation is entirely optional. I know that in Switzerland, at least in two parts of it — I mean Geneva and Pays du Vaud, — the experiment was tried and

was attended with success. The Code Napoleon failed, as there was in it compulsory reconcilement." Something like the same scheme was suggested in the constitution of the proposed local courts, but was sharply criticised in one or more of the reviews of the time. A writer in the London "Law Magazine" of 1831 comments upon these courts at considerable length, and though he does not advocate the measure, he gives two of the papers made use of by Mr. Brougham in his speech, from which we make an extract, describing the mode in which the business of the Danish courts is conducted: "The jurisdiction of the commissioners extends to most subjects of civil suits. Of course they can only reconcile, they cannot adjudicate rights. They explain to the parties the real matter of litigation between them, point out the laws by which it must be decided and the probable result of an action, and propose an arrangement conformable with law and equity, which the parties may adopt or reject as they think proper. Should their proposal be adopted, it is put into writing, and signed by the parties and the commissioners, and has the effect of a judgment in the Supreme Court. Process may be issued to enforce it, and there is no liberty of appeal. Should the proposal of the commissioners be rejected, an order is made permitting the parties to have recourse to the ordinary tribunals; proceedings in the latter are null, unless the affair has been previously submitted to the reconciliation commissioners. A few years after it came into operation the suits in Copenhagen had decreased two thirds. Out of about two thousand matters that yearly came before the commissioners in that city, they succeeded in arranging not less than one thousand nine hundred."

The principal facts in respect to these courts are to be gathered from a volume of "Travels," by Samuel Laing, published in 1852, many years later than the article of Mr. Wheaton. We cannot do the reader a greater favor than by transcribing Mr. Laing's account from his volume: "The administration of law has received another great improvement in this century, by the establishment of local courts of arbitration or of mutual agreement. An arbitrator, chosen by the people of the parish or district for three years, not a lawyer or law agent, confirmed by the government and paid by a small fee on each case, hears and enters in his protocol the *viva voce* statements of each party, without the intervention of any legal advisers. This is the lowest court, or court of the first instance, and no case can go past it to a higher court, without being entered here; and no facts can be adduced in the higher courts, which do not stand in the protocol of the court of arbitration. The duty of the arbitrator is to reconcile the parties, to propose an equitable adjustment of their differences; and if he succeeds, his decision is carried to the higher district court, to be ratified and revised as to points of law, or to interests of third parties, if any are involved in it, and is final without other expense or employment of law

agents of any kind. If the parties, from the nature or importance of the case, concur in bringing it before a higher court, it passes through this lower court as a matter of course, to the courts in which law agents and advocates are heard for the parties; but no new facts or statements are admitted but those which are entered in the protocol of the court of arbitration. If one of the parties chooses to appeal from, and the other acquiesces in, the decision of the arbitrator, the appealing party pays the expenses of both in the higher courts. The expenses of law agents and fees of counsel are determined in each case by the judges who decide it. A certain time is allowed to each court, from the lowest to the highest, within which the decision on a case must be given, merely at the request of the litigants, or by special permission of the superior court, a longer period is allowed for the judge to consider the case. The usual period is six weeks. The amount of cases finally decided by the courts of arbitration is very great, and the appeals are almost confined to cases of the highest importance, and in which the interpretation of the law may be doubtful or obscure. This great improvement in the administration of law has reduced the number of attorneys and law agents, who lived by exciting the peasantry, and working people to take the law of each other, without reducing the number necessary for the business of the country, or impeding the access of the people to justice. It has, gradually, spread to Sweden and some parts of Germany, and is, unquestionably, the most important improvement of modern times in the social condition of Europe." The writer goes on to speak of the higher courts, and of the superintendence they exercise over the inferior courts by a weekly or monthly revision of their proceedings, thereby checking "the vexatious delays, mistakes, and erroneous judgments occasioned by the quirks of the lawyers, or wrong views of the courts," and "without the expense to the parties of an appeal." And thereby, he assures us, "law is thus administered to the people with the greatest economy and dispatch."

As our chief object in making this extended extract was to bring the subject of these courts of arbitration before the public, in their relation to social science, it may hardly be consistent to prolong our remarks. That these courts are most admirable in theory needs no labored argument. Nor is it easy to see why some such system might not be advantageously wrought into our own. Instead, however, of delegating so important a function as that of arbitration to a man of little learning and untrained skill, it would be better to copy from the English system of county courts, and select for such functionaries men of character, position, and experience, whose fairness is above suspicion, and whose trained habits of investigating complicated questions will give authority to their judgments. And as to its effect upon the members of the legal profession, it would be chiefly felt upon that class whom the public could spare, who make law a trade rather than a

science, while that class of lawyers which the public cannot do without would find themselves, on the contrary, benefited by the change. If by some such scheme our courts would be relieved of the clog of business which delays justice and operates so hardly upon parties rightly in court, it would be a public blessing, in addition to the relief it would bring to individuals by substituting a condition of peace and harmony for the strife and passions of needless litigation.

International Arbitration under the Treaty of Washington. — We are thankful to close this number of our Journal with the notice of a subject, neither home nor foreign exclusively, but both, and one that in all its bearings, actual, probable, and possible, marks a greater advance in Social Science than any other event since the origin of our Association.

The treaty of Washington, recently concluded by the Joint High Commission of Great Britain and the United States, provides, as is well known, two boards or commissions of arbitration. The first of these, consisting of five arbitrators, one appointed by the Queen, one by the President, and three respectively by the King of Italy, the President of Switzerland, and the Emperor of Brazil, is to meet at Geneva, and there proceed to examine and determine the questions brought before it by the governments of Great Britain and the United States. The second commission consisting of three members, one appointed by the Queen, one by the President, and a third conjointly, is to sit at Washington, and there decide upon claims by corporations, companies, or individuals, whether of British subjects against the United States, or of United States citizens against Great Britain, arising from acts committed between April 13, 1861, and April 9, 1865.

For the direction of the first commission, acting as a court, or rather jury, between the governments of Great Britain and the United States, the treaty lays down three rules concerning the obligations of a neutral State; that it must — 1. Use due diligence to prevent the equipping within, or the departure from its jurisdiction, of any vessel intended to carry on war against a power with which it is at peace; 2. Forbid either belligerent to use its ports or waters as a base of naval operations, or for the purpose of renewing its supplies; and 3. Prevent any violating of the foregoing obligations. It is expressly declared that the government of Great Britain cannot consent to these rules as possessing the force of international law at the period, that is, during the recent rebellion in the United States, when the claims in question arose; yet that the government consents to be judged as if it had recognized the rules, and undertaken to act upon them. Both governments, British and American, agree to observe the rules between themselves in future, and to invite the agreement of other maritime powers.

Concerning the same commission, the treaty provides that it may

award a sum in gross for all claims against Great Britain; or in case no such award is made, that a board of assessors, one appointed by the Queen, one by the President, and one by the Italian envoy to the United States, to meet at Washington, with power to adjourn to New York or Boston, shall ascertain what claims are valid, and what amounts shall be paid by Great Britain.

Such are the provisions by which the treaty of Washington establishes, directly between two States, but indirectly, by its inevitable tendencies, among all other States of civilization, the principle of international arbitration. Heretofore fragmentary in character, and spasmodic in application, the principle now becomes complete in both, and takes a place more stately, more solemn, more certain to be universal among the best and loftiest of human institutions. The official statement from the Joint High Commission, at the close of their negotiation, declares in moderate language, that "the method of adjustment is such as will set a noble example to other governments in the interest of the peace of the world by the constitution of a high international tribunal involving the direct participation of so many great sovereign powers."

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# MUNICIPAL GOVERNMENT.

Read at the General Meeting in Boston, May 13, 1873. By Dorman B. Eaton.

The subject of municipal government, upon which I have been requested to prepare this paper, cannot be fully discussed at a meeting like this; and the anxious inquiries in all our larger cities for better municipal methods suggests a practical treatment, and in main reference to great cities. It is, I think, a grave mistake to regard the problem involved in providing good government for a village, as essentially the same as that involved in providing it for a great city. These problems are in their extremes radically different, although, as the village grows into the small city, and the small city becomes a metropolis, the laws for their government require a perplexing combination of the methods appropriate to either extreme.

The government of a village may be framed mainly on the theory of gratuitous service by its officers, of personal acquaintance between the voter and the candidate, and of a personal supervision and comprehension of official action on the part of most of the village residents. The village pastor and doctor, the shoemaker upon his bench, and the washerwoman over her tub, alike know the functions and notice the work of the village officers, and mingle their ready and pertinent criticism whenever such duties are not properly performed. Men of leisure and men of action take the village offices for the honors, and serving without pay, they gain the double reward of their approving consciences and of their applauding fellow citizens, male and female. But in the great city, where the hundreds of the village have become hundreds of thousands, where taxes are raised and expended by tens of millions, where city employees may control city elections, where the higher offices require more ability and ten-fold more labor than will suffice for a gubernatorial chair, where unpaid official service is no longer to be had, where not one person in five hundred understands the duties of the higher officers, and not one in five thousand knows who is at fault for the neglect and abuses manifest on every hand, — then indeed the problem of

securing good government is wholly changed. There must be a trained and paid official service; there must be secured a feeling of official responsibility, not to individuals, but to the courts, and to the higher public opinion; there must be some officers whose especial duty it is to see that the rest honestly and vigorously perform their functions. Everything has become complex, and nearly every branch of the administration must be treated as the sole business of the city officers. Just here arises one of the gravest problems of our politics — how to govern the great city.

In every age of the world, the great cities have stood among the nations as the barometers of their civilization, upon whose records wise men have read, or might have read, the admonitions of neglect and the portents of ruin. The conservative virtues and the orderly industry of the country may for a time preserve a nation from the vices and the disorders incident to bad government in its great cities; but in the long range, we shall find nothing in the history of the great cities, of either ancient or modern times, to qualify the general judgment of mankind that no people can long prosper who are unable to maintain good government in their great municipalities. In this regard, we have no right to assume that the condition of New York, Philadelphia, and Boston, are less significant than was that of Babylon, Rome, and Athens; and so long as we continue to fail in securing as good administration in our larger cities, as is now attained in London, Paris, and several other great cities of Europe, we either impeach our capacity, demonstrate our criminal neglect, or condemn our political system. It needs no argument to show that we cannot govern the country, if we cannot govern the great cities; and if we cannot govern the greater cities better than we have, we may as well make up our minds that we cannot long govern them at all.

There are no elements in our republican system, or in our geographical position, likely to hinder the growth of cities to enormous proportions, but quite the contrary. In no other quarter of the globe have cities been built upon such mighty rivers and lakes — and in no other age have such vast spaces of land and sea been made tributary to their growth. In these times, too, the broader circulation of the city journals, the enlarged system of credits and banking, the more general habit of travelling, and the almost absolute authority of city fashions and habits, throughout the country, have vastly increased the influence of those dwelling in our great cities. In monarchies and aristocracies, the greater influence secured to landed estates, and the privileges

of birth and rank, to some extent, counteract the democratic power of the masses which great cities so vigorously stimulate and organize. Indeed, no small part of the great modern contest for liberty and justice has been carried on between royalty and aristocracy, in the country, on one side, and democracy and communism, in the municipalities, on the other side. There is probably no country, at this time, in which there is a stronger tendency than with us, on the part of the country people, to move into the villages, and on the part of the village people to move into the cities. Already the census, notwithstanding our vast spaces of unoccupied lands, shows a greater rate of increase in the village and city population than in that of the country; and more and more, our legislatures are overslaughed and corrupted by municipal legislation.

Wishing to test the truth of my own observations as to the amount and rapid growth of such legislation, I have counted the laws relative to the charters of cities and villages, in the State of New York, enacted in each of the following years: 1840, 1850, 1860, and 1870, and with the following results: in 1840, fifty such laws were enacted, being one eighth of the whole number of laws of that year; in 1850, seventy-one such laws, being more than one sixth of the whole; in 1860, one hundred and twelve such laws, being more than one fifth of the whole; in 1870, two hundred and thirteen such laws, being more than one fourth of the whole; and those latter laws fill far more than one fourth of the 2,380 pages of the loose and careless statutes of that memorable year of municipal infamy. Under no form of government, I think, is all that is bad and dangerous in the life of great cities developed with more rapidity, or checked with greater difficulty, than under a government like ours. The unwelcome proofs of this fact come from all our larger cities, and much in proportion to their population. The official infidelities and pillages of New York have long humiliated our people at home, and disgraced them abroad. In Philadelphia there have been alarming frauds at the polls, and disgraceful partizanship in the city offices, for which municipal clubs are now endeavoring to provide a remedy.

Brooklyn staggers under excessive taxation, and needs its reform "committee of fifty;" while Chicago and New Orleans are anxious under the defects of their municipal methods and alarming abuses. If, of the larger cities, Boston is by far the best governed, I believe it is not to be denied there is anxiety here about the tendency of city affairs, and an increasing difficulty

in electing the best men to city offices. Here, too, I learn there is a disposition to inquire whether the great city of the future can be governed upon the same system as the model city of the past. The great fire, I believe, disturbed theories as to the fire department, and Mr. Bradford has lately declared that "of all the great robberies and murders of later years, not one has resulted, unless under very plain circumstances, in the arrest and conviction of the criminals." In New York, the philosophizing and self-accusing spirit has been thoroughly aroused; and it is safe to say that during the past two years, it has caused more discussion as to the true principles and methods of city government, than has heretofore taken place on this continent. In that spirit rest our hopes of improvement.

2. Every measure of political reform may be mainly directed to either of these great ends: to that of instruction and enlightenment, so that each succeeding generation shall be wiser and better than its predecessor, or to that of a better organization and use of the intelligence and virtue we have, so that what is honest and wise in the existing generation shall have a more controlling authority. It is plain enough that a reform in either of those spheres will be of great use in the other, and that all attempts at municipal reform through *better methods*, assumes that there is personal worth and unselfish influence, now lost to city government, by false and vicious methods. Such is my firm belief; and without at all underrating the transcendent importance of sound and universal religious and secular instruction, as the basis of all municipal virtue and safety, I shall yet confine myself to a consideration of the best methods of combining and utilizing for the purposes of government, the virtue and intelligence which our great cities *now* contain.

3. It will hardly be denied that the most frequent and persistent abuses in our public affairs have had their *origin* in our larger cities. There the great frauds have been committed; there are to be found the most impudent and prosperous jobbers in politics — the most mercenary and detestable caucuses and rings — claiming to act in the name and on the principles of parties. If we look upon the great city streets, they are rougher and dirtier than those of the great European cities; if we count the vagrants and criminals, their number is disgraceful, if not alarming; if we look at the cost of great city buildings, it assures us of extravagance, if not of pillage; if we contrast what the city does generally, with what the average citizen does for himself, we are

convinced that the great city administration is unworthy of the great city people. Passing from what the great city does, to evidences of the spirit and opinions which it cherishes, we find that which should give the highest confidence to the friends of reform. Nowhere in the world have the people of vast cities exhibited more conducive proof, than on our soil, of that intelligence, sense of justice, and public spirit which ought to create and maintain the best methods of city government.

In no age of the world have the voluntary gifts of city populations reared ampler temples to the worship of God; in no European city is there better provision for every form of providential or accidental disability; nowhere else has gratuitous public instruction been more liberally extended to all the children of poverty; and our public provision of water and parks for the poor and the rich alike, round out the measure of our municipal liberality and intelligence. I fully believe that great cities in no quarter of the globe have produced more frequent or noble examples of private worth in either sex, than in this country. Such facts ought to convince us of the possibility, and to arouse us to the duty, of making our municipal methods worthy of our great city population.

4. But the moment any considerable change is proposed in the system of our great city government, we are told that such change would be anti-American and hostile to the spirit of our Republican Institutions, because our municipal methods are a part of our original political system, which patriotism and consistency requires us to maintain. This assumption, I maintain to be wholly unfounded. It overlooks the sphere and aim of the American Revolution, which had no relation to cities or villages. This country has never created a municipal system nor has it ever really adapted any to its political theory or condition.

The Revolution, that made us a nation and gave to our state and national institutions an original structure, left our municipalities almost unaffected. The authority of the British crown, from which their charters came, devolved upon the States; but, for a quarter of a century or more, this authority was scarcely exercised; and our cities grew on under the British, royal system. Taking New York as an example, I find that in that creative period of republican constitution-making and legal remodeling, between 1775 and 1784, the official compiler of the city laws does not quote, nor can I find, a single new statute affecting its government. Nor, until 1830, is there a material amendment of those royal

charters that survived the royal flag. The first constitution of New York, adopted in 1777, only alludes to the affairs of cities to confirm their foreign charters. The constitution of 1822, has but a slight provision in regard to cities or villages. Other cities were hardly more affected. Since these later dates, however, changes have been frequent. But the repeated amendments of our charters have been generally based on no system; have introduced incongruous provisions; have been dictated by partisan and mercenary influences, and therefore involve no solution of the grave problem of governing a great city.

While contributing so little to that solution, we have added to its perplexities and its perils by repealing property qualifications for suffrage and making suffrage universal; so that now, with the great influx of foreign elements, the vast force of accumulated wealth, the skillful influence of trained, hungry, and unscrupulous city partizanship, the aggregation of vice, poverty, ignorance, and crime incident to great cities long feebly and corruptly governed, that problem presents such profound elements of difficulty as only true statesmanship will be able to master.

It is not only true that we have not created or adopted any municipal system, but it is also true that we have not, except in the past two years, studied the great city problem, much less gained any true conception of the principles and methods best adapted to a great city government. Nothing in the whole range of our affairs, public or private, no science, no profession, no art, no branch of business, has received so little candid and able thought as city government; and surely nothing else on this continent has been so badly managed or is in a condition at once so dangerous or so disgraceful.

We must certainly govern our cities in harmony with the great principles of our republican system. We have individual equality before the law, personal suffrage, with either no property qualification at all, or none that materially influences such suffrage. These are controlling elements, and they have never existed elsewhere in any great city. For these reasons, and also because, everywhere else in modern times and in the great cities of former ages, some privileged class or some over-awing central power has exerted great control over city affairs, we can gain but little aid from the experience of any cities except our own. In Berlin, and in Paris until very recently, the strong arm of Royalty has been controlling; and even in London, the crown and the national government are vigorous conservative forces, while suffrage is

greatly limited. Indeed, true self-government or even representative municipal government, cannot be said to exist over what we call London, although in that small portion known as the City it exists in a qualified form. We must therefore solve our great city problem, not only in harmony with our general system, but mainly in the light of our own experience, and upon the basis of an original and thorough inquiry into the elements which it involves.

5. There are indeed some who suggest that the large property qualification for suffrage which we imported should be restored; so that, like the English, we may relieve ourselves of many conspicuous city abuses, by thrusting their authors beneath the consideration of the law. But I fear this might only disguise but not remove the greater evils. It is a grave question whether the more degraded condition of the lower strata of city life in British cities, as compared with the same class in our own cities, is not largely due to a denial of suffrage, as well as of instruction. Besides, the remedy of complete disfranchisement for want of property will not, I think, be found practicable. Men will not vote to disfranchise themselves, and very few will vote to disfranchise their children, for lack of property. In every country of the old world, the advance towards republicanism is measured by the steady reduction of the property qualification for suffrage. At whatever point it is fixed, it is again promptly and successfully attacked. If the friends of municipal reform, here, should demand such a qualification, there would be great danger that the masses would successfully denounce the whole movement as a selfish and aristocratic alliance between wealth, learning, talent, and social pride, to depress the poor and control the great cities. It might be practicable to provide that none hereafter coming to manhood, who cannot read and write, shall vote; and disfranchisement for crimes ought to be greatly extended; but until we have patriotism and wisdom needed to enact so just and wholesome laws as those, how can we hope to disfranchise that poverty which, often providential, always commands our sympathy. That we may be able to elect a municipal board, having authority only as to the care of the treasury and the amount of our city salaries and taxes, by a method somewhat based on property, is the most that seems practicable. This is proposed in the pending amendments of the constitution of New York. There is no denying that the poorest have a common interest with the richest, in the greater subjects of human legislation, — life,

liberty, religion, family, character, health, — for they are the whole of the poor man's fortune; but no voter has a right to participate in the care of funds to which he does not contribute, or in the fixing of expenditures of which he does not pay any part.

6. In providing governments for our great cities, it will be essential to deal wisely, which means very sternly, with what are generally called city rights or franchises. Such claims have already been pressed in the interest of demagogism and mercenary partizanship with no slight arrogance and success. Even candid, thoughtful men are liable to undue excitement and may advance unreasonable pretensions, in behalf of what is assumed to be the honor and the rights of their city; and these evils are liable to increase with the growing preponderance of municipal population, wealth, and influence, aided as they are by frequent annexations from the adjacent country to the great city. In its more plausible forms, this City-rights doctrine is put in the shape of a claim on the part of cities to have their charter subjected to the test of a popular vote in the city, which also means a claim of right to have such a charter as the city voters choose to demand. The city has no more right to reject a charter, approved by the State, than any separate town has to reject a law concerning fences, highways, or hop-poles. If we give our municipalities the powers of the free cities of the Middle Ages, we ought, at least, to secure the counterpoises of those times, by granting to the towns the authorities of the feudal lords. There is great need to strengthen the wholesome influences of the country; and it will be a grave public misfortune if the cities and the great corporations are to be allowed continually to encroach upon the interests of agriculture and to impair the independence and the manly self-respect which it fosters. The true theory on the subject is plain enough. The State should govern all its people, as much those in the cities as those on the farms, in a manner most conducive to the well-being of the whole population. And when, by reason of peculiarity of pursuit, or density of population, special local laws or administrations are needed, they should be provided by the State, in such manner as not to sacrifice the well-being of the whole people for the advantage of any portion of them. Such is the just basis of all local legislation, whether it pertains to miners, to fishermen, to lumbermen, to persons, to villages, to little cities, or to great cities. The basis is not any local right, in derogation of the general right of the people, through the common representatives, to

govern the whole country. In one sense every city, like every village, and every town, and every inhabitant, has a right to be locally and individually governed in the best way practicable; and in another sense, there is no local right or city right whatever. The city's rights to its own property, like the right of every other corporation, and of every man or woman to property, are secured by both the State and the Federal constitution. The city has clearly no more right to have the officers it may choose to demand, or to exact the franchises to which it may lay claim, irrespective of the opinion of the State legislature, than any citizen has to vote as he may please and hold such office as he may desire. While opposed to the arrogant and grasping claims often made on behalf of great cities, I am by no means opposed to the largest measure of municipal privilege and local self-government, whether in cities, villages, or towns, which is likely to be wisely enjoyed. The municipal privileges and activities of our parent country undoubtedly greatly contributed to the establishment and maintenance of those great principles of liberty and justice we have inherited. And we may well believe that no high measure of liberty, regulated by law, can long be upheld by any people who fail to sustain municipal institutions. So far from being disposed to limit such government, or to deny it essential power, it is my purpose to show how it may be best preserved and made more salutary and popular. To that end it is essential that every charter should be regarded as coming as a wise concession, from the whole people, of special political privileges to a portion of them, and not as a right which a local fraction of the people has flattered, or bribed, or bullied the representatives of the whole people into recognizing. The difference in the two theories is immense and vital.

We have too much surrendered the sovereignty of the States to the claims of cities and villages; and under this faulty practice our State legislatures have tended towards becoming mere registering offices for city, village, and town charters, which in their provisions are almost as diverse and hostile as were the laws and usages of the municipalities of the Middle Ages. If we do not arrest this tendency, we shall establish in the great States of this Union, a system little better than the follies of Poland, when any noble could veto the selection of a king, or of the Dutch Republic, when any town could obstruct a treaty, or of the early Confederation of Switzerland, when the veto of any Canton could defeat any Federal measure. Our early constitutions, made when

our ablest masters in the theory of republican government were fresh from the great debate of principles and organization, contemplated far less power and independence in cities and villages than partisanship and demagogism have since secured for them; and to that cause no small part of our municipal abuses and inefficiency are due. In New York, and in many other States following her bad example, the judicial power even has been subdivided and parcelled out among villages and cities and made dependent upon popular majorities, until the salutary ideas that law and justice should be non-partisan, and one in spirit and one in administration, for the whole people alike, have been greatly obscured. Better counsels however are now prevailing, and there is everywhere a disposition, already illustrated in legal and constitutional provisions, to return to that wise theory which preserves the power of the State and checks the arrogance and the rapacity of the municipalities. It is one of the honors of Massachusetts that she has never made her judicial offices elective, and has never recognized in her cities and villages any right to a local administration of justice independent of the State. I am convinced that the exemption of the city of Boston from so many of the abuses found in other large cities is, in a large measure, due to the fact that all her judicial officers and especially her minor justices are appointed by the State and hold office during good behavior; while in New York and other States following her bad example, all the minor justices have not only been made elective for short terms, but, what has been worse, have been made elective in small districts formed in the cities. But, happily, a law of this winter has made the police justices of New York city appointive by the mayor and aldermen for a term of ten years.

7. When we are about to frame a government for a city, we naturally inquire what is this government to do? I am convinced that we shall never govern a great city well, or rightly comprehend it, until we consider its administration as involving a large amount of business to be done by business men, rather than a large mass of politics to be managed by partisans. We must act on the reputed maxim of the new President of Mexico: "A great deal of administration and very little politics." Not only is this rule demanded by our experience, but it is founded in the most philosophical view of the subject.

In the first place, the constitution of the Nation appropriates to itself most of those deeper subjects of principle, and the regulation of those larger elements of commerce, about which parties

are gathered and by which men are lifted above petty intrigue and personal aims. The State next comes in and asserts its power throughout the whole sphere of social relations, personal rights and individual dealings. It not only creates the city itself and its government; not only defines the tenure and functions of all its offices; but it determines the political and protects the natural rights of every dweller in the city. As a rule, it may be declared that every subject broad and deep and interesting enough to cause men to come together for common action from public motives, is embraced within the sphere of State and National legislation. What is left for the city is a miscellaneous lot of small fragments of principles, mingled with a vast amount of business details — sewer digging, street working, tree planting, garbage and dirt carting, putting out fires, catching thieves, together with caring for the public health and the city finances, and teaching the children, and regulating charity as the State shall order.

There are no materials for a policy, no subjects for a party, no great republican ideas, no part of our original constitutional theories, within the city jurisdiction. Hence there is nothing unnatural in the fact I have pointed out, that for more than a quarter of a century after the Revolution our cities and villages went on, almost unaffected by its great vindication of principles, under the old Royal System, hardly abandoned even at this day. Unlike the State and the Nation, the city makes no laws, but, like individuals, must obey those made by the State and the Nation. The power of making ordinances for regulating city administration, is far more analogous to the power of railroad or manufacturing companies, or of a great proprietor, to make rules for the transaction of a vast business, than to the authority of a legislature which in a day may create a new city or resume the franchise of an old one. I by no means think lightly of the effect of city administration upon the personal comfort, the moral tone or the pecuniary burdens of city people; but what I declare is, that city government is a sphere for personal honesty and business capacity, rather than for political policy or party principles. It is in the region of business, and must be provided for and conducted on business methods.

The accuracy of this description depends very much, of course, upon where the line is drawn between laws enacted for all the people, and laws especially provided for cities and villages. As a nation, we have been greatly in fault, both in principle and in practice, in conferring so large powers under special charters, and in so little

availing ourselves of general statutes for the government of municipalities. There has been no greater legislative abuse, no more prolific source of fraud, pillage, and litigation, than the accumulation of special city and village laws. In New York, for example, in each of the four years succeeding 1867, the number and bulk of such laws enacted, have, I think, exceeded all similar legislation in England since the enactment of the general municipal corporations acts in 1835. In 1870, the legislature of New York passed thirty-nine special laws for the city of Brooklyn alone! It is, therefore, one of the hopeful tendencies of constitutional legislation for cities, especially prominent in the pending amendments to the constitution of New York, that the government for cities is, as far as possible, to be provided for in general statutes. Our city laws have thus suffered great and disastrous changes, almost annually; not only because we have not placed them upon any principle of common justice or wisdom, but because we have not risen to the comprehension of any method of city administration above that which is utterly partisan. Every victorious party has appropriated the great city administration as a part of the spoils of party warfare.

8. This reasoning leads directly to my next proposition, that city government should not be framed in reference to a party administration. The proper theory, and frame of city and village charters may well be made a party question; but every such charter ought to contemplate and carefully provide for administration under it, in the highest practicable degree non-partisan. I say in the highest degree practicable non-partisan, because I believe in party action when confined to its proper sphere; and as there is little chance in this generation, at least, that party politics can be wholly excluded from city affairs, we ought to so frame our charters as to prevent that measure of party interference, which is unavoidable, from doing needless mischief. But there are not a few devotees of party, who declare that party policy and party methods are as applicable to city government, as to that of the states or of the nation.

They tell us that the demand for non-partisan government for cities, is but a virtuous disguise for *doctrinaire* opinions, and political inexperience. They plausibly assert that all great political forces take on the methods of party, and that every effort to put government on any other basis, or to regulate it by any other methods, is short-sighted, and must result in failure; in short, that our cities have always been governed by party, and always will be, unless human nature is changed. They will assert that the

majority, which means the stronger party, has a natural right to govern, and that all attempts to give a representation to the minority is only a fraudulent attempt of the party not in power to cheat the people and to secure an influence to which it is not entitled.

It is not difficult to answer such reasoning. The useful influence and the inevitable necessity of parties in the great affairs of the nation, and to a large extent in the affairs of the states, I by no means question. When only a single president and governor or other high national or state officer is to be elected, or a law is to be enacted involving party principles or policy, men will act in parties and according to party methods; and parties being thus legitimately in existence, it will not be possible to exclude their powerful influence upon mayoralty and aldermanic elections. But I hold that the less participation parties shall have in city and village elections and administration, the better for the parties themselves, and the better for the people of the cities and villages. Let us bring the question, whether the system of party government should be applied to a city, to the test of principle.

It will be conceded that a party, even in its highest conception, has selfish elements and aims, as well as those that are unselfish. While the great indirect end sought is the public good, the more direct and absorbing object is a party victory and the election of certain officers. Within its true sphere, a party may organize and lead on to noble ends all that is pure, noble, and unselfish in a nation. The great danger of evil from party action arises from the possible preponderance of its ambitious and selfish elements over its sense of public duty and its allegiance to those principles which tend to promote the public welfare.

Let us now apply these tests. Nowhere is there so favorable a sphere for all the beneficent power of party, and nowhere is there likely to be so few attendant evils, as in a country like England, where there is a steady progress from arbitrary rule toward liberty. One party struggles to guide public action by the spirit and methods of a waning, aristocratic royalty. The other struggles to bring that action under the spirit and into the methods of a growing, republican equality. The parties are always divided by questions which with us would be regarded as involving constitutional issues. Parties contending for such prizes must always have a well-defined, conflicting and controlling policy, which can never allow the leaders of one party to bribe the leaders of the

other party. In a party struggle involving such elements, the mere mercenary interests are comparatively feeble. That the rich and the privileged should take quite as active a part in party affairs as the ambitious and poor, is just what we should expect from the objects of the party struggles. And here is the explanation of the greater purity and the larger participation of the educated and rich, in English politics. Turning to our national affairs, we miss several of those elements of a dignified, steady, party policy, and all of those class prejudices, which give such serious antagonism to party action in England. And it is equally certain that the power of party discipline is weaker here. Still our national affairs furnish a healthy sphere for party warfare. Our foreign relations; the rival claims of sections as large and widely separated as European states; the demands made in the interests of the rival commerce of the great cities, and of the varied productions of remote regions; the conflicting policy of those on the Atlantic, those on the Pacific, and those in the great central valley; the jealous questioning by States, of the power of the Nation, and by the Nation, of the power of States; the grand and interesting balance of strength between the long-term power of the President and the Senate, and the short-term power of the House, between representative officers directly elected by the people, the heads of permanent departments and a life-tenure judiciary, whom the people do not elect — all these elements afford so steady a ballast, material for such genuine party antagonism, and call for party action in so broad an arena, that it is hardly possible that it should ever degenerate into a mere scramble for office and a mere conspiracy for spoils.

There can, however, be little doubt that since the absorbing questions of constitutional construction, and of slavery, have disappeared from our politics, the great parties have not had so well defined and salutary policies of antagonism, nor been so much controlled by great principles; and that as a consequence, the question of patronage and office have gradually assumed a dangerous predominance, and the political parties have become more and more selfish and mercenary.

It is also plain that there is, in connection with national affairs, a great deal to be done which has about it more of the elements of business than of party policy or principle. This part in the main falls to the great departments and to the small local offices; and it becomes more extensive, and appeals more and more to mercenary motives as the country grows rich and the great cities

increase in wealth and population. It is for this portion of the national administration that party-governed England has provided civil service reform, and that we so much need that great but difficult remedy. It is this part of the national administration which most resembles the whole bulk of municipal administration. If, from national affairs, we turn to those of the States, we shall find their characteristics divided between those of the Nation and those of the great city; and the character of State legislation and administration, conducted on party principles, naturally enough, is lower than that of the Nation, and higher than that of the great city. There are, however, in State affairs, several influences not found in a great city, which tend to make parties amenable to principle and honest interests; and hence check their tendency to fall under the dominion of their baser elements. The pursuits and population of the country, differing from those of the cities and villages; the varied productions and local interests of a community as wide-spread as a European kingdom; the organized power of hundreds of villages, cities, and towns, each having local self-government, and jealous of its own rights and of the supremacy of the State; all these elements present not a little of genuine antagonism and no mean material for a real difference of party policy. Notwithstanding all these elements, it is but too plain that State patronage and the pecuniary gains of wielding party power in the States, are influences of party action so strong, as in some measure to subordinate party principles and jealousies; and, for these reasons, we sometimes find party leaders contending for influence in reference to its vendible value and uniting with their opponents in common measures of mercenary gain. Still there is a sort of canvass, though mainly of national questions, during State elections. It is unquestionable that of late, real debate has gradually diminished in the State legislatures; that public confidence in their action has been greatly impaired; that genuine party policy and principles have become less controlling in State politics.

The example of several States providing minority representation illustrates the demand for a relief, likely, as I think, to be found in that remedy, if reënforced by the proper application of the principle of civil service reform to State as well as National administration.

If, now, we survey the great city for a sphere for party principles or useful party action, as to its own affairs, we shall find all the regenerating elements of parties wanting, and the elements

of their debasement existing in unparalleled force. The arena of party struggle is a space as small as a single town. Public action relates only to certain local conveniences and peculiarities, which are the result of concentrated population and business. There is no occasion for any party policy in city affairs. The city has no officers deriving power from independent constituencies, and with long terms, in analogy to the President, the Senate, and the House of Representatives, or to State Senators and Representatives from remote sections; but all city officers obtain power from the same uniform, omnipotent party majority. In the city are no organized, jealous, political bodies, having local jurisdictions, interests, and rights, like the towns, villages, cities, and counties of the States, or like the States of the Union; but the sole elements are the equal votes of citizens in a little locality; and all the organizations are the Assembly Caucus, the Judicial Caucus, the Senatorial Caucus, the Alderman's Caucus, and the like. Each of these little caucuses is but a representative and instrument, like a branch of the Jacobin Club, of the great central city caucus. That central caucus is the irresistible, omnipotent embodiment of the party majority. Without the consent of this central power, no candidate under the party system can be nominated, no clerk can continue to hold his place, and no officer, high or low, can take any important official action. There is nothing which affords any subject of real party contest, except the patronage of office and the profit of power. The sole relation of the city to the large affairs and policy of the great parties is mercenary and dishonest. The power of city politics is used to raise money for State and national campaigns, to manufacture fraudulent voters, to aid demagogues and knaves in securing office outside the city, and fortunes in the city. The government of the city requires no party organization, is aided by no party principles, presents no party issues. Such a phenomena as a public debate pending a city election was never heard of. It was natural then, under the party method of great city government, that real discussions should cease in our common councils, and that such bodies should be degraded into secret conclaves for recording caucus mandates, dividing official gains, and quarreling over municipal patronage. The voters in the city of New York, for example, were bribed by the stealings of the treasury, dispensed by partisans; the party leaders on each side connived at cheating at the polls and peculation in office; the worst of the leaders in each party drove out the best; and using the power of

party to control the journals, they deceived and corrupted the community they had enslaved. Every effort of the better city elements of the Democratic party to arrest the course of these bad men, by action in the city conventions, failed. And it was equally significant that the most dangerous and mercenary influence which the State councils of the Republicans had to deal with were those bred in the political hot-beds of New York City.

It was not the zealous party spirit or the party antagonism of the minority in the city that attacked the stupendous abuses of the majority. That attack, on the contrary, was begun and has been led on, by that public sentiment which least regards party affiliations and most demands a non-partisan city government. I see no reason to doubt that such corruptions as it exposed might have gone on for years without any danger of exposure from the city leaders of either party. The only real peril of our official thieves was from that non-partisan element in city life, which our partisan system practically excludes from all participation in the city government. As there is no honest material in a great city about which to make a party issue, or out of which to construct a party policy, it follows that there is no honest party life there. The great parties do not admit a party responsibility for city affairs, and they suffer little by reason of city corruptions, except when such corruptions are so great as to madden the people. There is no debate of party principles in the party conventions or party elections of the city. The only political topics are the distribution of office, the division of spoils, the accumulation of votes, and the way in which influence in the city party can be used to gain office in the state and nation. The city is not expected to furnish the party with great men or great ideas, but only with great numbers of votes and great sums of money. Once take from the city party these attendant advantages, and neither party will make a struggle for such power. There being no principle of policy in city politics by which the fidelity of leaders may be tested, it follows that party leaders in the city feel no political check upon their personal and mercenary temptations. While they invoke the power and screen themselves under the name of the national party, they neither obey its authority, or conform to its principles. Hence city party organizations do no good but mischief continually.

In fact, what can be more absurd than to make a man's opinions upon female suffrage, the annexation of San Domingo, the policy of coercion in Louisiana, the subject of internal improve-

ments — in short upon any national party question — the test of fitness for membership of a street cleaning commission, a fire department, a sewerage board, or a police force! New York City has the honor, in this country, of leading the way toward a non-partisan method of city government; and although her efforts have been mainly limited to her police and her fire departments, she has achieved results there, from which even Boston with all the superior intelligence of her population has yet, I think, an opportunity to learn.

Not political opinions or the favor of any head of department can legally appoint or remove a New York fireman or policeman; and the recognized efficiency of those departments, amid the most unparalleled party abuses, have vindicated the wisdom of the non-partisan and civil-service reform principles upon which those departments are organized.

9. There is another pernicious feature of city government, which stands in near relation to the party system; I mean that of subdividing the city into small districts for the purpose of representation in congress, in the legislatures and the city councils. Mr. Mill has declared it to be a great evil when laws present the facts to which they relate to the people in a false light; and such is the case with all laws resting on the assumption that a city affords any basis for district representation.

The division of the country into small districts for elections and representation has a foundation in public convenience and in local interests. Each town in itself, territorially larger than a great city, is an organized body, which acts and may be represented as a unit. Every town and country district has local pride and peculiar productions, interests, and needs. The representative from each feels that he must be faithful to those local interests and secure the legislation to which they are entitled. He feels that he has a distinct constituency which has a clear right and disposition to call him to a strict account. But when you come to the small district in the great city, you find no peculiar interest or opinion therein to be represented; and on the score of convenience there is no need of having separate officers elected in city districts. As a political organization, the city is a unit; and it has peculiar interests and opinions as such. So far as they are diverse, they are in no sense separated by ward or election district lines. So far as the relation between the aldermen and congressmen and assembly from a city district and his constituents are not wholly false and meaningless, it is the

same as his relations to the other people of the city. Hence there is no duty or direct relations between the city officers and those who voted for him, which operates upon the city representative, as it does upon the member from the country district. At best, his feeling of responsibility, if he has any, is to a far larger community than that which elected him. Why not then allow this large community — that is, the people of the whole city — to vote at large for all the city representatives, whether in the city councils, the state legislature, or in congress. The old method of wards and districts has nothing necessary or useful in it, — and besides placing every representative in that false position which impairs the official sense of responsibility, it multiplies opportunities of mercenary partisanship, at the same time that it increases the chances of small and mean men securing municipal office. As you diminish the district, you lessen the prospect of worthy and able men, either desiring or securing office in the city. A little man seems large enough for a little district — and when little districts are carved out by such a purely arbitrary method as that of subdividing the streets and blocks of a great city into parallelograms, squares, triangles, and Gerry-mandered many-sided patches for political purposes, utterly irrespective of the business opinions, productions, or interests of those residing there, all the reasons on which true territorial representation is based are disregarded and defeated. But the evils produced are by no means limited to those I have named. Every one of these little districts, under the party system, nourishes a little pestiferous caucus, or party junta, headed by one or more small demagogues, and filled by a brood of contemptible brokers in pot-house politics, who trade in local nominations and patronage. In those small districts inferior men may be all-powerful, who in the open arena of a general city election would be too contemptible to be mischievous. Yet their combined influence may control the elections. Under that system, the city party is a unit in regard to all city elections and uses these local caucuses as its outposts and rifle-pits. No city district is allowed to freely nominate and elect its own justice, aldermen, assemblymen, or other officers. The whole power of the city party, through its great central organization, omnipresent in its activity and insatiable in its demands, concentrates its entire strength against every district nominee who does not accept its tendered pledge and its humiliating conditions.

While the city is divided into districts for the purpose of elec-

tions, the mercenary, dishonest, scheming, ignorant, and bigoted elements are not so divided, but are left free to come together into one great, insatiable, hideous, voracious combination. This body readily falls under the control of its most cunning and conscienceless members, who are called the "Ring," and this ring occupies the inner chamber of the political temple and wields all power. All local caucuses in the city are only picket-guards of this central power. Like Polyphemus, it has but one eye which is single to its own interest, but like Briareus, it has a thousand arms which are thrust in wherever there is any public action in the city or any public money to steal. All the elements and agencies of reform are opposed to the influences of the small district system. They demand publicity, the predominance of large ideas, a broad arena, and an open field of action. They appeal to that high and instructed public opinion which scorns partisan and small caucus's manipulation, which rests on principle, which speaks through the public press, which demands that the interests of the city shall be comprehended and represented as a whole. The moment elections in cities shall be made general for the whole city, not a few men, who would be bold and confident, if they could present themselves as candidates in a ward or a smaller district, will shrink from consciousness of their inferiority before the majesty of the audience and the vastness of the interests; and the voters themselves will have a higher appreciation of the dignity they confer and of the ability they should require, when acting in behalf of the whole city at once. It is small men, mean interests, trading politicians, despicable demagogues, petty speculators in political influence, who have most to gain, and upright men guided by great interests and disinterested sentiments that have most to lose, by little, arbitrary districts. Give those who live by the trade of politics, districts of an acre each, elections once in three months, with the right of electing every officer from the county clerk and police justice, up to the mayor (as was really the case in New York), and they will soon control and disgrace any great city.

I am convinced that the great work of municipal reform will be promoted by reducing the number of elective officers, by extending their terms of office, and by allowing no representation of any district narrower than the utmost jurisdiction of the city itself.

10. But it may be said that representatives elected on a general ticket in the city will all belong to the larger party; and

such might frequently be the case, unless provision shall be made for those having common interests, opinions, and sentiments to vote together, irrespective of the part of the city in which they may live. In my opinion, such provision is indispensable to good government in the great city; and in a limited and defective manner, it has been provided in the new charter just enacted for New York City. The charter vetoed by the governor last winter made such provision in rather an extreme form of cumulative voting. The method of free, non-partisan voting, as is well-known, has been incorporated into the laws of Denmark, into the new school law in England, into the constitution of Illinois, and into the municipal system of Pennsylvania, with most satisfactory results. My limits will not allow me to discuss any of the various methods of its application, or to do more than to refer in the briefest language to the essential principles which it involves as applicable to cities. If it be true, as I have urged, that healthy parties can never be formed upon city issues, and that great-city administrations can never be honestly carried on after party methods, then it follows that we ought to adopt some other than the party system; and hence to have representation rest upon some other basis than the party or numerical majority in city election districts. It has been one of the results of a false extension of the party system to cities that city representation tends to become a mere representation of the party caucuses and not of the people, their opinions, sentiments, or interests.

It is plain that, while the city has no territorial interests except as a unit, it has yet a great variety of pursuits; has opinions and sentiments far more broadly contrasted than the country. But those engaged in those diverse occupations and holding those varied opinions are distributed throughout the great city. If we are ever, in a community thus constituted, to have a real, honest, and fair representation of all such opinions, sentiments, and interests, as ought in a public and legitimate manner to be heard and felt in the halls of debate, it is plain that there must be better means provided for their coöperative expression at the polls than any supplied by our royal, old, municipal system.

So long as all those opinions, sentiments, and interests are and must be compromised, bartered, or abandoned in party caucuses, or divided, discouraged, and frittered away in little city districts, we may as well expect the continuance of the series of cunning, selfish, and unprincipled demagogues and partisan mercenaries, who have so long misrepresented and disgraced every great city unless it be

Boston; and I believe they consider their prospects as improving at the very "hub" of the nation. The true method of reform seems to be to enable men having common interests and opinions, in the city at least, to come and vote together and thus secure a real representation of their kind. In that way the city members will feel they have a genuine, watchful, abiding constituency behind them, and not merely a caucus, a party, or a ring. Such a method will dispense with nearly all the city party machinery and will give real freedom of choice to the voter. I cannot stop to answer those objections, made to free voting or minority representation, which are to the effect that it will develop cliques and cabals; will, forsooth enable drinkers to combine and elect a drunkard, and gamesters to conspire and return a gambler. If any system of cumulative or free voting could produce such results — would, indeed, compel thieves, robbers, roughs, and rascals, and every form of miscellaneous villainy and scoundrelism to vote only for their kind, — I should by all means desire that method to be adopted. Nothing would so purify our city politics as to have the vile classes which now degrade our whole city representation compelled to leave a free field to honest men and to send the most exact specimens of their own ugliness into the halls of legislation. When Satan shall be served only by well-known devils, I believe we may regard the Millennium as at hand.

There is no foundation in the argument that a method of election that shall enable men freely and effectively to vote according to their real opinions and interests, will tend to form cliques, but the effect will be quite otherwise. Such a method will give naturalness, reality, and truthfulness to the whole business of elections and representation. It accepts and gives representative expression to the people of the city as they are, to business interests as they exist. It is the present forced, unjust, and partisan method of voting which causes cliques, and breeds and supports the little traders and great jobbers in nominations. Every member when elected finds his sense of duty, so far as he has any, divided between the trading caucus that secured his election and the people of the city whose interests he ought to regard.

Under our present system, there are men of the purest character and largest capacity, in our great cities, who can never be elected, only because their natural supporters are distributed through several election districts; while men without conscience or decided convictions, readily conciliate all the diverse interests and opinions in the little district by unscrupulously promising fidelity to each separately.

The inability of independent and honest men to either find any worthy candidate with any prospect of election in their own little district, or to unite with those of similar opinions and intents in other districts, every year keeps thousands of the most competent city voters from the polls; at the same time that the roughs and rowdies, the venal, the schemers and the mercenary partisans under the guidance of the great and little demagogues of the great and little caucuses, control the city elections. We must not overlook the fact, that the most diverse interests and pursuits and the most irreconcilable opinions are to be found in the great city; the lender and the borrower, the laborer and the man of fortune, the landlord and the tenant, the importer and the manufacturer, the Catholic and the Protestant, the advocate of high tariffs and the advocate of no tariffs, the thief and the philanthropist, the purest and the vilest, organized villainy and organized benevolence, are found in the great city together; and the question is, whether we shall open representation to all of them that dare practice it as wide as practicable, or whether we shall compel a general compromise of intents and convictions in the primary caucuses and conventions, as a condition of obtaining nominations.

I am convinced that the party method of compromise, in the caucus and conventions, especially in large cities, is in the highest degree unfavorable to the selection of men of firm character and decided opinions, or of a high sense of honor and duty for official stations. As none can be elected under our present system, but those who secure a majority of the votes, every man engaged in unlawful pursuits, every man who is ready to sell his vote and that of his followers, all those who hope to make selfish gain out of the abuse of official discretion, promise their support only on the condition of a pledge of official favors. In a struggle for a nomination, when the majority can be secured only by causing most of the voters to believe that the candidate agrees in opinion with themselves, it is too plain to need argument, that a most dangerous inducement is systematically offered to deception and hypocrisy, not only on the part of the candidate, but on the part of the voters as well. The very necessities of this ordeal of gaining a majority nomination, give employment to a great body of detestable partisan and mercenary middle men, brokers in politics, and cheats in practice, whose function it is, to present the candidates in the most protean hues to the voter, and to cajole the voters into a surrender of their principles to secure a majority. The true method is to recognze the diversities of interests,

opinions, and sentiments which always exist among the voters of a great city, and to allow those in real sympathy, to vote together; only such a method secures real honest representation. Then we shall have earnest, vigorous, and instructive debates in our legislative halls; and the process of harmonizing and compromising, will take place in the open arena of public duty before the eyes of the people, instead of in the secret conclave, and the partisan caucus.

Elections on general tickets in cities, under such a method, would, I am persuaded, deprive the viler classes of the greater portion of their present influence, and vastly increase the influence of every noble sentiment and every honest man of intelligence.

We ought to comprehend that the more venal, degraded classes have not been found dangerous in city elections because they have combined among themselves, or have desired to elect a candidate of their own kind, but only because the party system of government has furnished leaders and inducements for those classes to take sides in the party contests and turn the scale in favor of the worst candidate. The prospect the city party has of gaining a profitable majority in the city and of defeating every bold, able, and upright candidate, has stimulated their efforts to secure this degraded vote. Let it be certain that mercenary city partisanship cannot defeat the candidates of the intelligent and high-toned classes and a considerable portion of this degraded class will, I think, not vote at all; and the few really able, fearless men sure to be elected year after year will always defeat the worst schemes of the dishonest in any assembly.

The increasing tendency of the party and small district method of city voting has been to cause every representative to regard his party as his sole constituent, and to cause the best among the people to feel that the legislature and the city council really contain no men who truly represent themselves. What we need is a method which shall remove all partisan obstructions between the people and the polls, and which shall enable voters to freely elect in due proportion, those who truly represent the men who vote. But not the least benefit of a method of free, non-partisan voting in the great city will be that the corrupt manipulators of elections can never, with any certainty, predict the result. Being now able to predict that result with much certainty, and knowing that the majority will have the compliance due to common pledges to the party, they raise funds and gain servile followers on the pledge of the gainful use of the supreme power they expect to grasp.

I repeat that I cannot even briefly explain any of the several methods by which independent, uncompromised voters from all parts of a great city may be provided with facilities for freely uniting and electing faithful representation of themselves. The cumulative method is well adapted where the great city is divided into a few large districts; as it allows each voter to cast as many ballots as there are candidates to be voted for in the district, and to bestow such portion of them upon each candidate as he pleases. No party machinery, no brokers and jobbers in political influence, can control such an election; and those having the larger number of votes are pretty sure to fairly represent the free choice of the people.

The method of *liste* voting, according to which the whole city votes on general tickets as one district, may, with a little more complication in counting, be made still more effectually to secure such results. To both these methods, every old party hack, every aspiring young demagogue, and every venal voter, we may feel sure are equally and desperately opposed.

11. The same course of reasoning, which leads to the rejection of the party and small district-system of governing cities, admonishes us to abandon the idea of securing a salutary sense of official responsibility in cities through any fear of losing the respect of the party managers. It would be easy to show from the experience of New York, Philadelphia, Brooklyn, and Chicago, that no party action or influences in either city has ever tended to promote fidelity on the part of city officials. On the contrary, the most notorious offenders on the bench, in the commissions and the councils, and through all the grades of clerkship, have been the leaders and favorites of the city parties themselves. So emphatically has this been the case, that membership of opposite parties has been no restraint, and the very leaders of the opposing parties have bribed and salaried each other out of the common fund procured by common connivance at fraud and pillage. The fact is that the sense of responsibility which our city party-methods of frequent elections in small districts, encourages and relies upon, is nothing more nor less than a city officer's fear of the district caucus that nominated him. And his fear of that caucus is but another phase of his fear of the great central caucus and its managers. These city party caucuses are little better than nuisances. They do not enlighten public opinion; they do not conduct any instructive debates; they do no hold up any high standard of public duty; they do not tell their nominees that they have a responsibility to the people; they

continually insist that the caucus is the people and has the sole right of conferring office and of demanding official obedience. The feeling of responsibility we need to encourage in city officers is that which has supreme regard to honor, to justice, to the higher pecuniary interests and the nobler sentiments of the people, which defies party and withstands the caucus and its selfish leaders. This feeling of responsibility is quite as likely to govern the conduct of the man who is in office for several years, as of him who must confront the caucus leaders and followers at the polls at the end of a few months. I am persuaded that our method of annual city elections is by no means favorable to that manly and non-partisan sense of official responsibility in city offices which all good men so much desire to develop. There are no annual changes in city affairs, analogous to the changes of the season, which make it convenient to raise an annual crop of aldermen and mayors as we do our annual crops of beans and cucumbers. Many an upright and able citizen, who would shrink from the ordeal of an annual city election, would if once in office, bear himself with a strength and purity which would command general admiration. Nowhere do we secure a nobler sense of official responsibility, of fidelity to all that is pure, wise, and admirable, than upon the bench ; and nowhere in judicial places is that sense of responsibility so high as with those justices and judges who serve during good behavior. The fact is, that our entire theory of securing a salutary sense of responsibility on the part of city officers as the result of annual elections needs a revision ; and we shall probably come to the conclusion that where no annual party policy is to be carried out, where no principles of government are involved, where only a great mass of business is to be uniformly conducted on business principles, where experience in city affairs is one of the higher qualifications, that we need methods under which competent business men can, year after year, conduct the city administration under a sense of responsibility to the courts and the higher public opinion, but with small regard to the party majority or the pending elections. The kind of responsibility we ought to increase is that which shall cause a city officer to dread the courts and the juries whenever he is guilty of any offense ; which shall cause him to fear the public press and the censure of his honest neighbors, irrespective of party, whenever he is wanting in fidelity and efficiency.

Frequency of elections will not secure such results. There is nothing that mercenary partisans and jobbers in politics would

more desire, than that all city officers should be elected in little districts once a month, and nothing would so effectually keep all honest men from the polls.

There are several methods of increasing this salutary sense of responsibility. One of them is by providing for a more complete publicity of official action and motives and greater responsibility to the courts. The new charter for New York contains some valuable provisions of this kind. All the doings of the city officers are to be printed in an official journal to be published by the city, and upon the payment of a small fee, any citizen is entitled to a transcript of the records of any city department. But a far more valuable and original provision is one which entitles any five citizens, making complaint of official delinquency believed to have been committed or to be intended, to have an order of a judge of the Supreme Court for the full and prompt examination under oath before such judge, into all the facts concerning the delinquency they have charged; and if their charge is found to be unwarranted, its authors may be amerced in costs. This provision, available to any five city voters, cannot fail to be a great terror to corrupt city officials; and had it been in the former charters it would, I doubt not, have rendered the deliberate preparation of the great frauds on the treasury in New York and on the ballot in Philadelphia, impossible. A partisan official will dread this sort of responsibility more than he will all the caucuses and party managers of his city.

A further provision of that charter, which will aid the best sense of responsibility, is one that prevents city advertising being given to any other than the official journal, so that for the first time there will be an unsalaried, unbribed press, free to criticise official action in the city. Heretofore, our city press generally has been in the pay of the city treasury, which the city party controlled.

But of all methods of securing a proper sense of responsibility in office — that is of causing official duties to be well performed — that is the best which contributes most to secure honest and intelligent public servants, and leaves them most at liberty to regard their sense of right and public duty. Such results can never be obtained until the true principles of civil service reform are applied to our city affairs.

What the nation has required of the officers of the army and the navy, what New York has required of her policemen and firemen, what common experience and safety demand in respect

of teachers, pilots, and engineers, what every man of business requires in regard to all his employees, — that is, an adequate measure of personal qualification for the work to be done, — we must require of every city clerk; and we must also provide that, within some reasonable term of service of considerable length to be clearly provided and understood, such clerks are not to be dismissed, except for demonstrated inefficiency or infidelity. And inasmuch as the heads of departments are not, like private individuals, left unmolested by meddlesome politicians and corrupt place seekers, to select the best clerks and to retain them so long as they are faithful, we must establish and enforce clear and rigid rules for the selection and dismissal of such clerks. Let city politicians once comprehend that no mere political influence can put in or put out a city clerk, and half the baneful heat and nearly all the corrupting spoils of a city election will disappear. Let city clerks once feel sure that, so long as they serve faithfully, they need not fear a dismissal, and they will no longer mingle in every party struggle and will no longer fear any offense but those against honesty and efficiency. It will not be desirable to create any permanent tenure, but clerical positions in cities should be for so extended a term as not to deter men of good capacity from seeking them by such honorable methods as shall in themselves be certificates of high claims upon public respect. The people are entitled to have, and are far more deeply interested than they generally appreciate in having, upright and capable men or women in every place of public trust and duty. In no way have we, as a people, done such injustice to ourselves, or contributed so much to bring our institutions into disrepute, as by opening our places of public honor and service to every applicant, without adequate conditions of mental capacity or moral worth. We degrade every official place, when we declare every political bully and every servile partisan worthy to fill it. The dignity of the city and the honor of its people, the character they most admire and the attainments they most desire to encourage, should be reflected by every one in the city's service.

We owe it as a duty to our virtuous and studious youth, to the great cause of public safety and morality, to the free institutions under which we live, that hereafter no practicable efforts shall be untried to associate the ideas of honesty, intelligence, and fidelity with all the methods and influences, recognized by the laws of the land, through which public places, high or low, state, national, or municipal, may be either gained or held. The new charter of

New York, without providing any qualifications for municipal service, has provided that no regular city clerk shall be removed until after he has been afforded an opportunity to answer anything charged against him; and the cause of his removal must be entered of record. And I trust it will not be long before the enlightened city of Boston will have no policeman, regular clerk, or servant, whom mere personal or party favoritism gave a place or can remove. Boston ought to confer upon the nation the blessing of such an example.

Let all our mayors be able to say, as the prime minister of England has said, that "no party influence or personal favor of mine can appoint or remove a clerk in one of the departments; but each must come there through merit, and be removed for cause alone," and the scandals of our municipal administration will be at an end.

12. It now only remains to state the general frame of city government which these views suggest.

Much of course depends upon where the line is drawn between the subjects which are retained by the state (or nation), and those which are allowed to the city. And on these points there is great diversity. The police and the public health are departments generally conceded to our cities, but I think we shall, before long, follow the English example, at least so far as to enact a general system of police and health laws, to apply throughout each State, with special adaptations to the villages and cities.

In our attempts to model great city governments after those of the states or the nation, we must bear in mind that a city has properly no judicial department, though Boston is the only great American city not cursed with the power of selecting its own judicial officers; that the sphere of city legislation is very dependent and narrow; that the great bulk of what is to be done closely resembles the more detailed duties of one of the state or national departments; and that hence the administrative departments of a city may greatly exceed all the others in complexity and extent.

13. The proper division of powers in a great city, would seem to be between an executive department, a legislative department, and administrative departments.

The powers of the mayor, so far as they extend, may well be defined in close analogy to those of the President of the United States. His term of office should not be less than three years;

for more frequent city elections are of no benefit in themselves; and in view of the time required to become familiar with the administration of a great city, that period is too short rather than too long; and there might be an improvement in the same direction, if, as in England, only members of the board of aldermen were eligible to the office of mayor. More able men of honorable ambition might be induced to go into that board, and honorable service there would be better encouraged and rewarded. The mayor should in no event be a member of any one of the administrative departments. Such membership is liable to the double evil of involving him in their jealousies and quarrels and of blinding him to their delinquencies. He ought to keep himself familiar with all their doings, and to be held responsible for the quality of the members appointed to the administrative boards and for securing vigor and honesty of administration at their hands; but he should neither have any part in such administration, nor any right to appoint or remove the subordinates in their departments. The power of nominating all heads of department and of removing them for cause, among which causes should be habitual neglect and inefficiency in office, will always enable any worthy mayor to acquit himself of such responsibility. In this sense, the people may justly hold the mayor responsible for the good government of the city. Public opinion must compel him to remove every inefficient or corrupt member of the administrative boards. No popular vote or party action is needed for that.

14. Our old, royal method of having two boards in the legislative department should, I think, be abandoned, as it has been in most of the great cities, both East and West. The new charter for New York has rejected the traditional second board in that city, and has provided only for a board of aldermen. But to secure in that body the adequate knowledge of the action of the departments and the wholesome influences that come of free debate in the presence of those who ought to be held to a high responsibility, that charter has followed the analogy of England and of the Federal government of Switzerland, by making the heads of the administrative departments *ex officio* members of the board of aldermen, with full right of discussion but with no right of voting; thus affording the first example, on this side of the Atlantic, of a method which Mr. Bradford and others have so earnestly desired to see applied to the general government. The narrow power of adopting ordinances, which the legislature may

set aside and the courts may declare void, has little analogy to the State's prerogative of making laws. The main functions of a well constituted city council are to debate and vote the tax levy, to confirm or reject nominations, and to conduct inquiries into the abuses of the administrative and executive departments. More than one board tends rather to divide and impair the sense of responsibility in performing such duties and to discourage and disgust the people, by presenting too many candidates, and requiring too frequent elections. Two boards are at least as likely as one to vote proper taxes; and there is no occasion in city affairs for the long deliberations between two bodies, which are required for enacting laws. In no event should the members of the city council have any share in expending the money they raise, or any part in discharging the administrative duties of those officers whom they confirm. There is every reason of principle and safety (notwithstanding so much success in Boston upon a contrary method), why a city alderman should not interfere, save for investigation, with the details of applying money and of doing city work, that there is why committees of the State legislature and of the national Congress, should not carry on the practical duties of the departments; and I believe no great city will ever be long well governed where such confusion and incongruity of functions are allowed. The legislative council should have that independence and fearlessness for criticism in debate concerning all city expenditures and work, which can only be secured when its members have no real participation and hence no compromises or commitments in regard to such expenditures. The branch of the government that votes the money should never expend it; the officers who make the laws or ordinances should not be those to execute them; unless in villages, and in cities so small that every citizen is a competent general critic of the administration.

15. It is of great importance to discourage any attempt, through a partisan or mercenary organization, to grasp the entire control of the city government as the fruit of a single victory at the polls; and for this reason, as well as to avoid the evil of too frequent elections and too little experience in the council, the terms of the members should be for four or six years and they should be so classified that no more than one half or one third shall expire at any one time. By providing that only the Mayor and the members of the Common Council shall be elective officers, there will be adequate opportunity for the expression of the pop-

ular will, and elections will occur only biennially. And when a few more villages are added to her territory, and the increase of foreign elements shall have raised her population into the last half of a million, I am persuaded that even annual-election-loving Boston will become convinced that every alternate year is often enough to take a hundred thousand dollars from the treasury and a hundred thousand voters from their work, for a city election which settles no principles and changes not a line of the charter by which the officers who manage city affairs should be governed.

16. We have only left for consideration the administrative departments. What shall be their number, their respective functions, the tenure of their officers, their duty and the manner of appointing and removing such officers? The number of departments must depend on the scope given to the city government. But such departments as those of Education, Health, Charity, Finance, Law, Police, Water Supply, Parks and Public Works, are pretty sure to be among them. Important questions arise here whether the functions of all of them should be in the general charge of a single board of administrative officers or there should be a separate board for each department; and whether, if the departments are clearly separated, there should be more than a single commissioner at the head of each. If something could be gained in apparent simplicity and expense by placing all under one board I think more would be lost in special fitness and experience, and that each commissioner, in a board of general duty, would feel a less salutary pride and sense of personal responsibility, than if a member of a separate board. The law defining the duties of the departments ought to provide for joint meetings of all the commissioners with the Mayor, after the analogy of cabinet meetings, and for such coöperation as shall prevent doubts and conflicts of jurisdiction. Were it not for the danger of partisan supremacy, and for the combined judicial and ministerial character of a great part of city administration, one commissioner in each administrative department might be sufficient; and there is also a greater publicity and assurance of honesty and wise deliberation in having two or three commissioners for each board compelled to act together. By making the terms of their appointment three or six years, with proper classification at the beginning, experience and steadiness in administration would be secured; and each mayor, reflecting the popular will, would have, during his term, the opportunity of renewing one half or one

third of the members. Removals by the mayor for cause, and after hearing before him, should be provided for; and among such causes should be habitual neglect and inefficiency in administration. It might not be unwise, perhaps, that the sanction of the governor should be required for a removal, as is the case under the new charter for New York.

The authority of the city council ought to extend to making ordinances, in the spirit of the charter, for carrying on the work of the entire city government by such commissions, thus a step removed from popular elections, as the work of the national government is carried on in the great departments.

Commissions, by preserving a continuity of succession and experience, by demanding concert of minds and preventing secret and arbitrary action, by requiring public votes and permanent records, by neither too much concentrating nor too much diluting individual responsibility, have for generations vindicated their utility in many departments of the freest countries of the old world; and have, with the increase of population, been more and more introduced into every large American city, and into several departments of a majority of our State governments. In new York City, they have been the main resource in every struggle for reform; and, as a rule, the men nominated to fill them have been superior to those officers selected by popular vote. It is an instructive fact that the great frauds and robberies of the treasury in New York were confined to those departments — the Executive, the Financial, and the Board of Works — in which alone, there was only a single commissioner.

The views set forth and the general frame of government herein suggested involve several other important modifications of our customary methods to which no allusion can now be made.

17. I am persuaded that the more we consider the possible methods of combining and utilizing for the public good, the intelligence and virtues we have in our great cities, the more we shall be convinced of the guilt and loss involved in our habitual neglect of such studies; and the more we shall be impressed with a sense of the profound relations they sustain to the deepest problems of human nature and social life. If this Association could cause to be prepared and submitted to our people the model of a great city charter best adapted to the intellectual and moral condition of our city population and to the genius of our political system — if it could even be the agency through which the anxious experiments and frequent debates now going

on in all our great cities could be made to shed a common light upon each other and to mingle their common wisdom in a matured plan — an inestimable blessing would be conferred upon the whole country. To deepen religious convictions, to improve the morals of the people, to extend the sphere of education, are indeed the greater works of statesmanship; but next to them and very near to them in importance, is the duty of so organizing the conservative forces we have, that they shall, in the fullest possible degree, promote what is good and discourage what is bad. Any people, failing in this, stand self-condemned, and can have no right to expect the confidence of the friends of liberal institutions in other countries. We can claim but little respect from other nations, or have but little for ourselves, if we give birth to and encourage only a disorderly, unscrupulous, unthoughtful spirit of progress and arrogance, which is content to sprawl its activities over vast spaces, to build up rowdy, immoral cities, to boast only of countless acres of land, of unrivaled millions of people, of inexhaustible wealth squandered in vulgar private extravagance and ill-managed public works. The permanent hopes and the real glory of our country will be far better assured, if the time shall ever come when, instead of boasting of the rapid growth and the wealth of our cities, we shall boast of their order and their morality; when the praises now bestowed on the splendor of their buildings and the increase of their population, shall be bestowed on the decrease of their vagrants, their criminals, and their illiterates; when it shall be thought a greater honor to bring one old city under a really good government than to found ten new cities, than to add five new States to the Union, five millions to our population, or five hundred millions to our riches.

Of all valuable productions possible under our political system, of all things at once the most creditable to our wisdom and the most auspicious of our continuing safety, nothing can bear comparison with a great city, well governed. If we can produce and maintain such a city, republicanism will be vindicated before mankind, and its ambition to rule the world will at least not create alarm among honest people. Abundant wealth, irresistible physical power, the largest population that ever bowed its neck to any human sovereignty, are providentially assured on our soil, if we shall but make our government worthy of this vast country and the varied races that will people it. But it never can be worthy, if we allow our great cities to become modern Babylons and Ninevehs, whence all kinds of human

debasement, as from inexhaustible hot-beds of iniquity, shall send forth corrupting influences, in all the varieties of demoralizing fashion, in all the forms of personal immorality, in records of licentiousness unrebuked and crimes unpunished, in journals of pictured indecency and advertised debauchery, in examples of low commercial character and flagrant official infidelity, to poison the sweet valleys, corrupt the virtuous homes, and blight the honor of the country.

# HIGHER EDUCATION OF WOMAN.

A Paper read by T. W. Higginson before the Social Science Convention, May 14, 1873.

In Broad Street, St. Giles, London, there is or was a sign inscribed, "The Good Woman," with a painting of a woman without a head. It seems a simple and rudimentary joke enough, but it condenses in a few square feet of space the opinions of many of the greatest men. When Lessing said, "The woman who thinks is like the man who puts on rouge — ridiculous;" when Voltaire said, "Ideas are like beards — women and very young men have none;" when Niebuhr thought he should not have educated a girl well, for he should have made her know too much, — these eminent men simply painted, each in his own way, the sign of the Good Woman. Dean Swift perhaps carried the argument a step further when, in describing a certain casualty, he summed it up, "So many souls lost — beside women and children!"

Over the doors of most schools for women up to the present time this figure of "The Good Woman" might still be painted. Even within the walls, among the mottoes designed to excite her intellectual ambition, one is sometimes reminded of the hall visited by Britomart in Spenser's "Faerie Queene;" over three sides is written, "Be bold," but on the fourth side, "Be not too bold." The English "Schools Inquiry Commission" of 1868 reported as one of the greatest obstacles to the education of women "a long-established and inveterate prejudice that, as regards their relation to the other sex and the probability of marriage, solid attainments are actually disadvantageous rather than otherwise." The same impression still lingers among ourselves. Walking down the street with a Greek book under my arm the other day, I joined a lady who asked to see the book. She examined it with interest, read some lines aloud, and sighed as she gave it back. "I liked Greek better than anything I ever studied," she said, — and I knew that her father, a clergyman, had been rather an eminent scholar — "but my friends of both sexes thought it unwomanly, so I gave it up." It brought back to me the old complaint of Queen

Christina to Madame. Dacier, "Such a pretty girl as you are; are you not ashamed to be so learned?"

The higher education of Woman is in this respect also like one of Spenser's palaces in the "Faerie Queene," that it is guarded by a series of ghostly sentinels, all individually powerless as you approach, but collectively formidable to the imagination. There is a series of fallacies, each of which has been exposed a great many times, but still they rear their heads, unconscious of annihilation. Every energetic woman, every man who has had a daughter to educate, has encountered and overcome them; still it is impossible to approach the subject without at least recognizing their existence as you pass. They resemble those Portuguese soldiers who used to be instructed to attack the enemy "with ferocious countenances," and like those traditional soldiers, they seldom stand fire.

I. One of these fallacies, for instance, is that which confounds the laws of sex with the laws of digestion. Man and Woman being different sexes, says some physiologist, must obviously require different intellectual diet. Why so, if they do not need different physical diet? If we go home and dine with the physiologist, we find him politely assisting his wife to soup, and his daughter to roast mutton, ignoring the fact of sex. His own dinner-table refutes his theory; his knife is sharper than his logic, and his joints of mutton disjoint his argument. Sex is certainly as marked in the body as it is anywhere. Yet nature shows an essential identity of the digestive system in Man and Woman. If this is true of the body it would seem to be true of the mind. To say, boys study Greek and mathematics, therefore girls, being different, should not, is as if you said, boys eat beef and potatoes, therefore girls, being different, must find something else to eat. I resist the argument of the physiologist, therefore, till I see him prohibiting his own womankind from the dinner they have superintended, and restricting them to the judicious dry toast and the enlivening teacup.

II. Another of these ghosts of objections is the assumption of the hopeless intellectual inferiority in the case of women. I call it an assumption, because there is no class of facts directly sustaining it, and the class of facts which have most to do with it — the records, that is, of our public schools — look just the other way. The school superintendent of my own city said to me: "Those who theorize on public schools without personal knowledge imagine us to be constantly taxing the powers of the girls to keep them up to the standard of the boys. It is the other

way; my whole struggle is to keep the boys up to a grade which the girls maintain without difficulty." I myself remember, in a city where we had twenty prize medals for the high school, that two thirds of the pupils were girls, and all our effort was to keep the girls from getting three quarters of the prizes. Girls are so quick-witted, they have so few distractions compared to boys, and their school constitutes so much larger an interest in their lives, that they unquestionably hold their own, and it may be a little more than their own, in our high schools and academies. It is a pretty safe inference that they will not drop far behind in university studies, and I am disposed to adopt as a general formula that certificate given by the school committee of a New Hampshire town to a teacher: "This is to certify that Fanny Noyes stands on a medium with other girls of her age and sex, and for what I know is as good as folks in general!"

Heine has pointed out, in his "Reisebilder," that the young men of these days are very severely taxed. They have so much to keep in their heads he said — whist, politics, genealogies, the liturgy, carving, and all sorts of things — that it is no wonder they forget their mathematics and history. From some of those distractions, at least, young ladies are free; even the demands of dress do not quite fill the place of these. And as for the demands of society, we must remember that these are only felt severely among a very few hundred or thousand, in a few large cities. In almost any town in New England the obstacle in the way of a studious girl is not want of time, but want of teaching and encouragement. So long as she is allowed to stay in the high school, she holds her own, and she stays so long that it taxes the ingenuity of the committee to get rid of her. During the short-lived experiment at a high school in Boston in 1826, it was made a serious charge against it that the girls would not leave it. Good President Quincy said with plaintive earnestness: "Of all those who entered the high school, not one, during the eighteen months it was in operation, voluntarily quitted it, and there was no reason to suppose that any one would voluntarily quit it for the whole three years, except in case of marriage." Strange to say, this was what killed the institution — this preposterous pertinacity — this love of knowledge which refused to leave school for anything short of honorable wedlock! The school had to be abolished in order to graduate the class; a method too suggestive of Charles Lamb's "Dissertation on Roast Pig" to be generally desirable.

III. The third fallacy may be said to be that of hopeless physical inferiority. This is a fallacy not very prevalent, so far as I know, among those concerned in teaching, but more common among physicians. To expose it properly perhaps needs one who represents both professions. I am not a physician, except in the sense in which the proverb says that every man of forty is either that or a fool; but I have been for years familiar with the public school system, as applied to girls. And if I were not, I think that so far as the medical argument is *à priori* or theoretical (and it is chiefly that), I should meet it as one of the best physicians I ever knew met Michelet's celebrated work, in which he maintains that every woman, by mere structure, is a life-long invalid. My friend wrote indignantly at the end, "As if the Lord did not know how to create a woman." All the physiologists in the world would not convince me that, in case of women any more than of men, desires are essentially disproportionate to destinies. If nature has made woman wish for education, nature has given her, as a rule, the physical power to obtain it.

And so far as the argument from this source is based on observation, I have as yet seen no array of facts that bear upon it. So vague an argument as that there is a great deal of ill-health among women, therefore they ought not as a class to be well educated, can hardly be attributed to any man of scientific reputation. Even to say that there is more of this ill-health in New England than elsewhere, and that New England is better educated, and that these facts must be connected, is very vague reasoning; it is the fallacy *cum hoc, ergo propter hoc.* New England commits other sins besides education. New England also eats a great deal of unwholesome food; New England has a trying climate; and I know a sensitive gentleman who has left Boston because the wind blows there, and the streets have so many corners. Moreover, I can show you white populations in the United States where the women are innocent of the alphabet as they were of soap and water; and yet the sickliest town in Massachusetts produces healthy women compared to these. When it is proposed to cut off all our daughters from thorough education in order to save their lives, we have a right to more definite facts before we decide to reduce them to the condition of "The Good Woman." Show your statistics of connection between education and the death rate. If education is on trial for its life, it is entitled, with every other criminal, to be held innocent till it is proved guilty.

Statistics of the sort I mean are certainly within reach. There are towns in New England where, for more than a generation, the standard of education for girls of the public schools has been exceptionally high. I know one town where I assisted in examining, nearly twenty-five years ago, a class of girls and boys, in mathematical studies more difficult than those pursued by nine tenths of the Harvard students — analytical geometry and the calculus. Those girls are now wives and mothers; their vital statistics can be ascertained, and the vital statistics of that whole community. There are other communities — I am sorry to say that Boston is one of them — where there has been no high school for girls till a much later period. Let the physiologists who deny the possibility of female education collect and compare the statistics, setting these towns side by side, giving tables of education and mortality, and showing that health increases with ignorance, and disease with knowledge. Is it too much trouble? In England there is such an interest in physical training, that the author of a late book on "University Oars" has taken the pains to write to every man who ever pulled in a regatta, and ascertain his physical condition. And yet physiologists will condemn a whole generation of girls to ignorance without collecting in any definite form the facts that must determine the question. It is not enough to give the verdict. It is a matter of such importance that we have a right to see the evidence.

Then there is another class of facts easy of collection. There are colleges that for thirty years have educated men and women side by side. The pupils of these colleges, coming from all parts of the Union, exclude from the result all the disturbing force of climate and local habits, and afford a fair basis of calculation. We have one table of statistics on this point from the oldest college where joint education is practiced. President Fairchild, of Oberlin, has tabulated the records of deaths among Oberlin graduates for more than thirty years. "Out of eighty-four young ladies who have graduated since 1841, seven have died, or one in twelve. Of three hundred and sixty-eight young men who have graduated since that date, thirty-four have died, or one in eleven. Of these thirty-four, six died in the war, and leaving these out, the proportion still remains one to thirteen."

What we want, of course, is the facts. That the pressure is too great on both sexes in our public schools I have always believed. I believe that the school hours should be shorter and the amount attempted less. But the chief pressure is exerted

before we come to higher education at all. As we grow higher the scheme of study grows less rigid, and he who supposes that any enormous outlay of health or strength is required at present to go through Harvard College must have had less experience than I have lately enjoyed in visiting officially the class-rooms of my *Alma Mater*. The simple fact is that the whole tendency of our higher institutions is to make the course of study more and more elastic, adapting it to the tastes and strength of each; and I speak of what I know in saying that I would far rather trust the health of my daughter at Harvard College, than at a first-class Boston Grammar School. Individual instances do not decide the question. The first scholar in my own class broke down in health and left college. The first scholar in the class next mine died soon after graduating. That somnambulic boy, bearing the appropriate name of Wilfred Fitts, who is now in jail for assaulting his comrades with knives at night, is now declared to have been injured by over study, and the daily session of the Lowell High School has been shortened one hour in consequence. So there are doubtless girls who will be made sick or somnambulic if they study too hard. These we can estimate. But against these we must set those other cases, less easily ascertained, of girls who now sink listlessly into disease from the vacancy of mind that education could fill, or the vacancy of heart that education would supply with nobler objects. If I seem presumptuous in pleading those more subtle possibilities against physicians, who, no doubt, are on their own ground sufficiently my superior to put me to death with one potion and bring me to life with another, yet I cannot forget the class of clients for whom I plead; young girls, such as Tennyson describes: —

> "In glowing health, with boundless wealth,
> Yet sickening of a vague disease."

Young girls, such as Dr. Johnson's heroine in "Rasselas," who "thought she was in love, when she was only idle."

IV. The last of these fallacies is the assertion that there is sufficient provision already. It rests mainly on social narrowness, the assumption that because the daughters of the rich are satisfied with what is called "society," and its delights, there is therefore no class of girls to demand higher education. On this point, my experience in public schools has led me to conclusions different, perhaps, from those held by many who hear me. So far as I can see, our higher advantages of instruction, like those in England, are transferring themselves more and more from the

children of the rich, who do not need them — or think they do not — to the children of the poor, who do need them. No one can look over the rank-list at Harvard, for instance, without seeing this; and I am inclined to think that a great social law — what may be called the law of social alternation — lies behind it. In a monarchical country, it is desirable, perhaps, that eminence and influence should be perpetuated in certain families; in a republic it is better, I suppose, that families should be broken up, interchanged, alternated. One instrument in this social alternation is called wealth. The poor boy must study; the rich boy may or may not; so in the next generation, the poor family perhaps comes forward, the rich family recedes.

If this is true of the sons, it is far more true of the daughters. I remember a radical English lady of rank who, arriving in this country, went first to Newport, in the fashionable season, and began asking all the young ladies if they had been to college. "College!" said one of them, the granddaughter of a very eminent Bostonian, "not a young lady of my acquaintance ever thought of going to college." "But surely there are colleges for women in America?" pleaded the bewildered Englishwoman. "Then it must be the daughters of mechanics who go to them," said the young aristocrat, secure in her monopoly of ignorance, and happily she was correct. Happily, I mean, for what would become of us if there were no class better educated than the young ladies one often meets in the very best of society? That is what English people never can understand in America. In England, the standard of female education is highest in the highest class, and very poor in the middle class. Here, so far as we have such classes, it is the other way. The early age at which girls in fashionable circles go into company, renders their higher training simply impossible. They leave books at about the age when their brothers go to college, and if they get a tolerable share of French and music it is a good deal. The real training of the mind goes to those who do not go to parties, either for want of inclination or for want of opportunity. Every high school even, and, much more, every college, must gather its recruits chiefly from the ranks of the unfashionable. As a rule, the well educated girls in America are, as some novelist says, the daughters of poor ministers and mechanics in country towns.

I have now spoken of certain fallacies to be encountered — the misinterpreting of the law of sex, the alleged inferiority of feminine intellect, the asserted inferiority of the feminine body, and

the impression that there is already provision enough. These are the kind of obstacles that we have to pass before we reach the higher education of women. Fortunately, when reached at last, it turns out a very simple thing. The question of intellectual education is not one thing for Man and another for Woman, any more than the question of healthful diet is one thing for Man and another for Woman. When we have separate treatises on the laws of digestion for the two sexes, it will be time enough to have separate treatises on the education of Woman. Whatever is best for the mind is best for the feminine mind. All the questions of modes of instruction, kindergartens and object lessons, science and literature, Greek and German, required and elective studies, — all these must be essentially the same for Woman as for Man. All the problems of education seem to present themselves in the same way at Harvard for boys, at Vassar for girls, at Michigan and at Cornell for the two united. The logic of events is sweeping with irresistible power to the union of the sexes for higher education. West of the Alleghanies, as even its opponents admit, public sentiment is irresistible in its favor, and east of the Alleghanies the tendencies are all one way. The tide is sweeping in, — the smaller New England colleges are swept away, and if the others do not follow, the promised Boston University with its vast endowments will soon make it unimportant whether they follow or not. The exhaustive reports of President White of Cornell, and of the Rev. Dr. Clarke of the Harvard overseers, — reports to which it is useless to add anything, since nobody has yet attempted to answer them, — have established one thing, — that all the testimony of experts is in favor of joint education. With hardly an exception the doubts and fears are from those who have not tried it, and the indorsement and approval from those who have seen it tried for years. In the public schools and academies, where the influence of actual experience is felt far more closely than in our colleges, the tendency is all one way. We often hear of separate schools being abolished and joint schools established. This has taken place in every town where I have been on the school committee, three in number ; but neither in these towns, nor in any other, have I so much as heard of a proposition to change the other way. If anything is certain in our public school system, it is, that the sexes, once united in a school, are united forever. This is a popular verdict, from which there is no appeal. In our incorporated academies, too, the system of joint education has prevailed for nearly a century : and

I cannot conceive why every atom of experience gained there is not directly available for our colleges. As between the two, the age of the pupils does not greatly differ, nor do the studies. If, now, two or three hundred young men and women of eighteen or twenty can dwell together in peace in an academy, why does the whole experiment become perilous and alarming when you change the name, and call the thing a college?

The system of elective studies, which is destined, I am sure, to prevail in all our colleges, is working clearly in the direction of the joint education of the sexes. The greater subdivision of classes makes abundant room in the class rooms, and the elective system gives plenty of opening for the special bent, if there be such a thing, of the feminine intellect. It also meets the assertion that the system of education for Woman should be more elastic than for man. If it is possible for a man to render direct and important service to a cause which he thinks himself heartily opposing, I should say that President Eliot is that man, and the joint collegiate education of Woman is that cause. I have no doubt that good Madame Boylston smiles at him from her canvas on the walls every time he passes through the reading-room, and that she already looks forward to the time when she will not be the only person of her sex present, among so many men, at the Commencement dinner.

When the time comes for equalizing the opportunities of the sexes we shall begin to do retrospective justice, at least, to the intellect of Woman. We shall see that she has done herself credit by even what she has effected already under the pressure of constant discouragement. Man has preserved the traditions of a coarser period, when brute force settled all questions, into the period of intellect, and has tried to make intellectual achievements also a matter of mere weight and size. In the French grammar they speak of the masculine as *le sexe noble*, "the noble sex." Man has assumed himself to be noble because his epoch of superior advantage came first, not seeing that the whole theory of evolution looks the other way. In all history the later development is the nobler, and if Woman is now relatively gaining on man, as seems unquestionable, then it is rather for man to be anxious about the future. Already he sees Woman here and there beating him on his own ground, where he was once safe from all competition. In Shakespeare's time, women did not appear upon the stage; and it was considered an achievement beyond her sex when Fanny Burney wrote a novel. Now, "the

survival of the fittest" has left Rachel and Ristori without peers in the one department of art, and George Sand and George Eliot in the other. Are we so sure that we hold our chemistry and our mathematics by any firmer tenure? *Les races se feminisent*, I do not wish to boast too much of mere priority in time. This sort of geologic precedence has its perils. It would not be pleasant to have Woman end by shutting up "the noble sex" in ice, like an extinct mammoth. The mammoth, no doubt, had his own sense of superiority, and regarded the introduction of the puny, sharp-witted elephant as a reform against nature.

The thing that perpetually neutralizes all claims of chivalry, all professions of justice, all talk of fairness as between the sexes, is the lingering policy of exclusion in regard to Woman. She is excluded from training, and then told she must not compete. If admitted to compete, she is so weighted by artificial disadvantages that she cannot win. It would rather seem that if her brain is inferior, she should be helped; if her natural obstacles are greater, all other obstacles should be the more generously swept away. Give girls a chance at high school, they use it, and they equal boys in scholarship; in our academies, in our normal schools, there is no deficiency on their part. Probably there never will be so many young women in our colleges as young men, for they will be less driven to study for the sake of a livelihood; but if there are few, so much the easier to provide for them. The late successes of the young English ladies, pupils of Girton College, — who have undergone at Cambridge severer examinations than any American college offers to young men, and have come out successful, — show that there is no danger of putting our educational provisions too high. Harvard pays from various pecuniary foundations some $25,000 annually to young men, that they may consent to come and be taught. Can she not make room for a few young women, who ask only permission to pay their own bills, and receive no charity? Do let us be at least as generous as a certain school committee in Massachusetts, who said lately, in their report in regard to a vacant school, "As this place offers neither honor nor profit, we do not see why it should not be filled by a woman."

# RESTORATION AND REFORM OF THE CURRENCY.

Read at the General Meeting in Boston, May 14, 1873. By Joseph S. Ropes.

A correct measure of value and a sound medium of exchange are among the first requisites of modern civilization. The theory of money and currency is essentially simple and intelligible, but its practical application has been so complicated and hindered by various causes, that the whole subject has become one of the most perplexing problems of the present time. I shall, therefore, make no apology for beginning with the most elementary statements.

1. Money, technically defined, is the measure of exchangeable value, as a yard is a measure of length, or a gallon of capacity. The form and material of all these measures may be various, but the one condition indispensable to each of them is, that they possess, in a fixed and definite degree, the quality which they profess to measure. A yard-stick must have a certain length, a gallon must have a definite capacity, and a pound a definite weight. So money must possess a definite exchangeable value of its own, or it cannot measure other values. In other words, it is the one commodity selected as the standard by which to appraise, compare, and exchange all other commodities. I need not inform you that, by the universal consent of modern civilized society, the commodity chosen for this purpose is the precious metal called gold; supplemented, to a certain but subordinate extent, by silver. The form of coins in which these metals circulate as money, and the government stamp which certifies their genuineness, are adopted for the convenience and protection of the public, but do not add to their intrinsic value.

2. Though money may always be used as a medium of exchange, a medium of exchange need not always itself be money. Sheep and oxen, corn or cotton, in short every kind of commodity may answer this purpose, at least temporarily, especially in a rude community, or in any community during a temporary scarcity of money, as we ourselves experienced in the year 1857. But apart from such exceptional conditions, the only supplementary medium of exchange recognized by modern civilization is *credit* in various forms. It is obvious, for instance, that if my neighbor supplies my family with food, while I supply his family with clothing, and if the amount supplied by each is constantly equal in ex-

changeable value, no money need pass between us, though every transaction is as strictly measured by it as if it did. An exchange of receipts at the end of the week, month, or year, is all that is needed. Supposing our mutual indebtedness unequal, the difference only will be paid in money, so that mutual debts of hundreds or thousands of dollars may be settled by the payment of ten or twenty dollars in money.

Suppose now that all the money of every member of the community were deposited in a single bank, or in the government treasury, and all payments made by giving orders on the bank or the treasury, or by certificates issued for convenience by the bank and the treasury themselves. It is evident that under these circumstances no money, or next to none, would circulate in the community, as nearly everybody would prefer the more light and convenient certificates and orders (let us call them notes and checks) to the heavy bags of coin. When a merchant or a banker had occasion to send money abroad, he would of course demand it at the bank or treasury in exchange for paper; but by far the greater part of the money deposited there would remain idle, being represented, for all practical purposes, by its paper substitutes in the hands and pockets of the people. Under these circumstances, it would evidently be possible and safe for the bank or the treasury to lend a large part of the money thus deposited, on good security and profitable conditions, to any foreign government or banker or merchant: and the whole of this coin might thus be exported, not only without the slightest injury to ourselves, but with manifest advantage; *provided, only*, that in no case there should fail to be coin on hand and in readiness to meet every demand against the bank or the treasury which could possibly be presented. In this state of things the medium of exchange might be almost exclusively paper; but the exchangeable value of all commodities and all transactions would continue to be measured by gold coin as strictly and accurately as if nothing but gold coin were in circulation. Otherwise, the smallest difference between the coin and its paper representative, would cause the latter to be at once exchanged for the former.

Here then we have, in brief, the whole theory of money and currency. The one is the commodity inherently possessing, and employed to measure exchangeable value: the other consists of claims or promises redeemable in money, and circulating for convenience and economy in its place. To answer its purpose perfectly, this currency must be absolutely certain to be promptly

redeemed on demand, and there must be an absolute conviction of this certainty in the community where it circulates. All beyond these fundamental conditions is mere matter of detail. We come now to consider the causes which have so complicated this apparently simple subject as to render possible the countless absurdities of theory and abuses of practice which have become almost inseparable from its discussion.

3. The first of these appears to be the very natural, but always dangerous union or combination of two things entirely distinct in their nature and opposite in their tendency — *currency* and *banking*. We have shown that the one great and indispensable requisite of a sound paper currency is, that it be absolutely certain of redemption on demand. The great object, therefore, of the managers of any institution whose sole purpose it is to provide a sound and convertible paper currency for the community, must be first to ascertain, and then with the most rigid exactness to observe, the limits necessary to maintain with the most absolute certainty its immediate convertibility into coin. On the other hand, none of us needs to be informed that the one object of banks and bankers is to make a profitable use of money, whether belonging to themselves or to others, and for this purpose to lend on interest the very largest amount of their credit which they can in their own opinion reasonably hope to redeem on demand. And so long as human nature continues what it is, no one will be surprised to find that bank managers are liable to be sanguine in this respect. In fact it may be safely asserted that the manifold monetary crises, panics, and disasters of every kind, by which we have been so frequently visited, have been caused principally by an undue expansion of bank credit, leading to subsequent violent contraction, and occasionally to a suspension of specie payments. That the same tendency still continues is manifest from the fact that the one conservative clause of our National Bank law, which provides for the maintenance of reserves in the bank vaults, is more and more disregarded, its operation pronounced to be oppressive and intolerable, and its existence and continuation made the object of incessant and vehement attack. And that the ultimate consequences of this tendency, though postponed for a time, are neither averted nor diminished by the suspension of specie payments, may be safely inferred from the steady increase of speculation, the growing scarcity of currency, the frequent and spasmodic changes in the money market, and the unsatisfactory returns of legitimate busi-

ness. The evil referred to is greatly aggravated by the total absence of union or concentration among the banks of our country. Each of them being, of course, anxious to employ its resources to the utmost, has no scruple in throwing responsibility upon its neighbors. One bank will lend every available dollar of its surplus to a broker at call, and when pressed will depend upon forcing from him the necessary funds, which, of course, can only come from some other bank, though the latter may have nothing to spare, and both may be compelled in the end to borrow from some more prudent or less reckless neighbor.

To make our illustration of the theory of paper currency as simple and intelligible as possible, we supposed all the money of the community to be deposited in a single bank or treasury; by which, accordingly, all those paper promises which circulate in the place of money, would be issued and redeemed. The fact is, however, as we all know, that among us these promises are issued by some two thousand national banks scattered over the land, and managed with every possible variety of method, and amount or deficiency of skill and prudence. Under all these circumstances the fundamental principles of currency remain the same, but their practical application is often entirely disregarded, and the abuse of credit has generated evils so frequent and so extensive as to cause many superficial observers to consider them as inseparable from any system of credit or paper currency which can be devised. It is scarcely necessary to remark that a reserve of coin which would be ample to secure the currency concentrated in a single institution, might prove totally inadequate when dispersed among many hundreds, some of which might be overflowing with surplus funds, while others, less prudently managed or less fortunately placed, might be constantly on the verge of insolvency and compelled by the slightest mischance to an actual suspension of specie payment.

4. Another difficulty in the way of maintaining a sound and convertible currency is found in the natural working of the instinct of self-preservation in great emergencies, causing and almost justifying the violation of all the rules of ordinary practice, which seem to interfere with public safety. Under a careless or imprudent system of banking or of mercantile business, the general expansion of credit, public and private, may become so great as to render liquidation impossible, without at least temporary insolvency. In other words, either the paper currency must for a time become irredeemable, or a vast number of debtors, who

depend upon loans of currency to meet their obligations, must suspend payment, and many of them be ruined. In such an emergency the paper currency of any commercial nation, whether issued by the government, whose revenue must depend largely on commercial prosperity, or by bank corporations, whose wealth or even solvency may be greatly affected by commercial disaster, in short, any paper currency whatever will probably become irredeemable, and may even be temporarily expanded on an irredeemable basis, with the tacit consent of the whole community, to enable debtors to meet their liabilities and bridge over their difficulties, which, without such a medium of exchange, might be impossible.

Instances of this kind are, doubtless, familiar to us all. During the French Revolution the Bank of England suspended specie payments for many years. The Bank of France has repeatedly done the same; and those of Russia, Austria, and Italy, have never resumed payment in full. Our own experience in 1837, 1857, and 1862, need not here be described. Where the currency is controlled solely by the government, the exigency is usually caused by a state of war; when issued by bank corporations, suspension is generally the result of commercial revulsions. But that there need be no unavoidable necessity for it under any sound and well managed system, is demonstrated by the perfect success with which specie payment was maintained by the Bank of England during the disastrous crises of 1847 and 1866, as well as by our own experience in 1861. And that even a compulsory suspension of specie payment need not cause any material or permanent depreciation of the paper currency, or any other financial injury, is conclusively shown by our own experience in 1857, and by the triumphant recuperation of the French finances since the late destructive war.

5. Finally, a third, and, in our present condition, most dangerous and alarming hindrance to the establishment and maintenance of a sound convertible currency is found in the general ignorance which pervades the community on this important subject, and which permits the most incorrect, unsound, and absurd theories and assertions to be continually advocated and maintained in the most public manner, with hardly an effort at refutation or rebuke. When a notorious member of Congress and party leader could publicly declare, and that without loss of credit or reputation, such as it was, that a dollar was whatever Congress chose to call a dollar, whether of paper, wood, or leather, what could

be expected of his constituents or his colleagues? When members of the financial committees of Congress propose the adoption of measures of resumption so called, which could not be in operation three months without producing universal bankruptcy; when every thoughtful person who looks below the surface is stigmatized as a theorist, while the most ignorant and incompetent are lauded as "practical men," we may well ask ourselves whence is help to come? The press, which should be, and in many respects is, our greatest safeguard against abuses and injustice, is too often controlled by those whose interests are supposed to be against all reform. Accordingly, theory after theory is put forward to oppose, or conceal, or obscure the honest, naked, unpalatable truth. Causes are substituted for effects and effects for causes, or the existence of both causes and effects is audaciously denied. Propositions which are true only of a sound and convertible currency are unhesitatingly put forward as equally true of one that is irredeemable. Credit is confounded with capital, money with credit, and debt with money. A medium of exchange is treated as equivalent to a measure of value; and the promise of a wealthy government, which it absolutely refuses to redeem, is asserted to be immeasurably superior to all other promises, however promptly and faithfully fulfilled. But I will not weary you with any further enumeration of the illogical, absurd, and dishonest nonsense, which is continually palmed off as financial wisdom upon our much abused community.

6. We come now to consider, as briefly as possible, the present state of our National currency, its relation to the true standard of value, and the best method of restoring it to a sound and substantial basis.

About twelve years ago, before the late rebellion, the paper currency of the country was furnished by local banks incorporated by the respective States, and with a power of issuing paper promises practically unlimited except by the necessity of redemption in specie. Under these conditions, the whole circulating medium of the country over and above the specie reserves of the banks, consisted of barely $200,000,000, with the addition of gold and silver coin, which I should consider extravagantly estimated at $100,000,000 more. The deposits or book credits of the banks, which, as we have seen, form an available portion of the currency, more especially for mercantile exchanges and banking purposes, were of about equal amount, say from $250,000,000 to $300,000,000. The total amount of currency in every form, re-

quired and employed for all the exchanges of the community, with the largest liberty of issue, and limited, as we have said, only by the necessity of redemption, the indispensable condition to the maintenance of its value, and consequently of its efficiency, did not exceed $600,000,000, or twenty dollars per head for a population of 30,000,000. We have no reason to think that the general conditions of the question have since changed, so as to render a larger proportion of currency to population necessary than before. On the contrary, all the information at our command, and especially the statistics of Great Britain, lead us to believe that the improved machinery of civilization renders less and less currency necessary from year to year, in proportion to population. It would seem, therefore, that with our present population of about 40,000,000, an increase of one third upon the currency of twelve years ago, say not exceeding $400,000,000 of National Bank notes and legal tenders (over and above the reserves of the banks), and about the same amount of bank deposits or book credits, would be the utmost quantity of circulating medium which, with a population of 40,000,000, can now be maintained on a par with specie.

The actual currency of the country is of course far beyond this amount. It consists, as we know, of about $400,000,000 of legal tenders, including fractional currency, and $300,000,000 (now increased to nearly $350,000,000) of National Bank notes, making a total of nearly $750,000,000, or about $600,000,000 over and above the legal reserves of the banks. The amount of bank deposits, though fluctuating with the state of trade and speculation, has kept nearly even with this amount, and at the present time exceeds it, making a total of fully $1,200,000,000 available currency, or one half more than we have any reason to think can be maintained at par with specie.

7. It is convenient at this point to notice for a moment an assertion frequently made to this effect, that it is impossible and absurd to estimate with any degree of exactness the amount of currency required by any people; that it must vary greatly with the condition of the people, the state of trade and speculation, the amount of wealth, etc.; that it is not the quantity, but quality of the currency issued which makes it inconvertible; and that nothing but an increase of confidence is wanted to place the whole permanently on a par with specie. Above all, it is repeated and reiterated with much fervor, that we need an "*elastic currency*," one which, like the fairy tent of the Arabian tale,

will expand to shelter an army, or contract without effort to form a lady's bower.

Much of the above is indeed true, but none of it is in any way applicable to the question before us. We may indeed readily admit that the amount both of money and currency circulating in any country may, and indeed must, vary considerably from time to time; and it is, in fact, this power of varying its amount by the withdrawal from circulation of all that is superfluous which constitutes its elasticity, a quality which rightly defined is of the highest importance, but which needs no legislation to secure it, so long as all currency is made redeemable in coin. Just as the exchangeable value of wheat or flour will render its supply elastic, so as with unerring certainty to retain in the country what is needed for domestic consumption, and to send abroad the surplus, whatever may be the abundance or deficiency of the harvest; so the exchangeable value of money, properly so-called, *i. e.*, of gold and silver coin, will ensure its being taken to the spot where it is most wanted, and remaining there till it is more wanted elsewhere. And just as speculative contracts in wheat or flour will be limited or expanded in proportion to the relative demand and supply of those commodities, so in a convertible currency the amount of bank notes and bank deposits will be enlarged or diminished, expanded or contracted, in accordance with the exigencies of the money market. If a man has more money than he wants, he will speedily either loan the surplus or exchange it for other commodities for which he has more use. Should he again need more money than he has in possession, he will either recall a portion of what he has loaned, or part with some of his other commodities in exchange for money. So, when a nation has more money than is needed to measure and exchange its other commodities, it will lend the surplus to other nations, as Great Britain is continually doing, or it will use it in the purchase of foreign commodities. Should its supply of money become deficient, it will recall a portion of its foreign loans, or it will export more of its own productions, and import less from abroad, until the equilibrium is reëstablished. This is the true elasticity of a currency based on specie, *i. e.*, on actual value, the only elasticity that deserves the name; all pretense to any other elasticity is a mere figment of the imagination. To illustrate the difference between the sham and the reality, we have only to contemplate the panic and disaster brought periodically and with ever accumulating force upon the great commercial metropolis of

our country, by the locking up of a few millions of irredeemable paper in a bank or treasury vault; and then to turn our eyes across the ocean, and witness the magnificent spectacle of a nation of smaller population, and wealth far inferior to our own, scarcely emerged from the terrific visitation of slaughter and defeat, but paying off in advance of treaty stipulations hundreds of millions of war indemnity in hard cash, with scarcely a ripple on the financial surface of Europe.

Since the permanent divorce of our currency from specie has become established, some statements, which are substantially true of a convertible currency, have been applied without hesitation to one that is irredeemable. It has been boldly asserted, for instance, that any excessive issue of bank notes is impossible, as these notes will always, when their function is expired, be returned in payment of loans to the bank which issued them. But those who make this utterly ridiculous assertion do not consider, and perhaps do not understand, that there can be no equilibrium between that which possesses value and that which is intrinsically worthless. As long as a currency is maintained at par with specie, its excessive issue is stopped at once by the necessity of redemption. Any bank, or the collective banks of a country, will take good care to issue every dollar of their promises which they can keep in circulation. But when the aggregate amount of these issues is too large to be in equilibrium with the prices of commodities as measured by specie, those prices will begin to rise; and specie becoming thereby depreciated in exchangeable value, will be called for at the banks in exchange for paper, and sent abroad as the cheapest article of export. This loss of specie at once compels the banks to refrain from further issues, and keeps the volume of the currency from becoming excessive. But where no necessity of redemption exists, there is practically no limit to the issue of bank notes, except the arbitrary limit of the law, which, as we have seen, is submitted to with impatience, and often disregarded. It is idle to talk of currency coming back in payment of loans, when it is notorious that such loans are constantly replaced by others; and that the aggregate of our bank loans has gone on constantly and rapidly increasing ever since the war, while, owing to this expansion of loans and inflation of prices, the supply of available currency is becoming more contracted from year to year, until it is in the power of a notorious gambler in stocks to boast that he can do what he pleases with the money market, by merely locking up a few millions of this irredeemable currency.

8. Another error, closely connected in orign, with the foregoing, is expressed in a singular theory to this effect, — that no currency issued by the government, except on the security of actual and equal deposits of coin, can ever be maintained at par with specie. The argument for this strange doctrine is derived from the supposed fact that the notes of the government represent merely a debt due from the government to the people, and that for capital no longer in existence, but which has been expended by the borrower ; while bank notes on the contrary represent, it is true, a debt from the banks to the people, but are also due in a still larger amount from the people to the banks ; which fact gives them a vitality as the representatives of actual value, which cannot attach to the issues of the government. This statement may indeed sound plausible to a mind unaccustomed to analysis, but it is in reality devoid of the slightest significance. If true, the argument would prove far too much ; for it would invalidate the security not only of the currency of Russia from 1842 to 1854, which was one of the soundest and strongest in Europe, and but for the Crimean war, would have so continued to this day ; but even of the Bank of England itself, the issue department of which is now wholly distinct from the banking department, and a large portion of its currency is based wholly on government debt. The truth is simply this, that the circulating notes of any country, whether issued by its government or its banks, represent merely a debt due to the people from those by whom the notes are issued. It represents that portion of the people's money, which being needed solely for domestic circulation, can have its office more conveniently performed by paper promises of undoubted credit, payable on demand. It may be divided theoretically into two portions : the larger part constituting what may be called the minimum of paper circulation, which under no circumstances ever can or will be presented for redemption so long as its security is undoubted, because for this purpose the paper promise is preferred to the coin itself. Over and above this minimum, there is an uncertain, and often large amount of paper currency required for occasional use, and which can only be issued with safety on actual deposits of coin. For this purpose a currency issued by the government evidently possesses the advantage, inasmuch as it can concentrate its coin in the commercial metropolis of the nation, where it is usually wanted. The banks, on the other hand, might find an equal supply of coin insufficient for their protection, owing to its distribution in various and dis-

tant localities, or to a want of wisdom and prudence on the part of those to whose custody it is intrusted. There is, indeed, one advantage possessed by the banks, which is not enjoyed by the National Treasury. The income of the latter is in general only about equal to its necessary expenditure, while the former are continually receiving large amounts of currency in repayment of the loans made to their customers, and which they may of course at any time apply to the liquidation of their own liabilities, instead of lending it again. It is this peculiarity of their position which has so fascinated the theorists referred to. But a moment's consideration will show that this position of general creditors held by the banks, though a great protection to themselves, is very far from protecting either the currency or the people. On the contrary, it enables the banks to throw off upon their debtors the responsibility of protecting the currency issued by themselves, and for the safety of which their own reserves should be the guarantee. In times of distress and panic it turns our whole financial system into a state of mutual and universal warfare, in which the hand of every man, every bank, and every money broker is liable to be against his neighbor, each striving frantically to save himself at the risk of forcing others into ruin. Moreover, in such times of disaster and panic, the credit of many, if not of all banks, is liable to be so weakened as greatly to enhance their own danger and that of the community; and even with the best of credit, their resources are limited to their own immediate vicinity. The credit of the government, on the contrary, is not only less affected than any other by domestic disaster, but may often be used with advantage to obtain relief from abroad.

From all these considerations, it seems evident that, other things being equal, a government currency is intrinsically superior to any that can be issued by local banks. It is needless, however, to add, first, that the right of issuing local currency will never probably be relinquished by our people; and secondly, that under our present political system we cannot hope to see so vast and important a trust, wisely, safely, or honestly administered by the National government.

9. An interesting and important question now arises, namely, To what extent is our present currency depreciated from its nominal value; or, in other words, what is its average purchasing power compared with that of a currency strictly redeemable in coin? To this question, at best only an approximate answer can be given; and it has received two answers, both plausible, but

widely differing from one another. First, if we assume that on a specie basis our community of 40,000,000 would not require above $400,000,000 of circulating paper and coin, and an equal amount of bank credits or deposits to effect all its exchanges, and measure all its values on a specie basis; and if the amount of each of these descriptions of currency is actually $600,000,000, or fifty per cent. above what is required, and no part of this currency can be put to any other use, it seems natural and reasonable to infer that the prices of all commodities, not exceptionally affected by external or other causes, will tend to advance on the average about fifty per cent. above their former level, though the absence of any real measure of value, and the effect of incessant speculation, must tend to produce continual fluctuation in every department of trade. For obvious reasons, it is not in my power to illustrate this conclusion by elaborate tables of prices; but all my own experience and observation tend to confirm it, and I have little doubt that it is substantially correct. It must not be forgotten, however, that this result, as already stated, is a mere approximation, and applies only partially to articles of import and export, which are affected by the state of our exchanges with foreign countries. Gold, as we shall presently show, being depreciated by the substitution of paper, all commodities which are still measured directly or indirectly by gold, *i. e.*, those which are either bought or sold abroad, must of course share in that depreciation; besides which, some descriptions of property, such as real estate, which change owners more slowly than others, are less liable to be affected by the inflation of paper currency. Other exceptions might be named, but it will still remain true, as I conceive, that the vast majority of our commodities of every kind which are produced and consumed from year to year, have been enhanced in nominal value about fifty per cent., after making due allowance for other elements affecting them.

Secondly, it is asserted by some that the true measure of the depreciation of our currency is found in the current premium on gold coin. But a very little consideration will show this theory to be utterly untenable. Gold, it is true, is still a commodity among us, but it is no longer the measure of value. It has ceased to circulate as a medium of exchange, and of the innumerable contracts throughout the community, which were formerly liquidated or measured by it, nearly all have been annulled or changed. Gold, therefore, has been practically deprived of its chief function in the community, and like all other commodities under similar

circumstances, its exchangeable value has been greatly depreciated. We may illustrate this by the supposition that our government had been able and willing to make and strictly enforce a law prohibiting the use of wheat in any form for food. Can any one doubt that in such a case the price of flour would be greatly depressed, and that it would depend chiefly upon the demand in foreign countries for whatever exchangeable value it might retain? In like manner gold, being deprived by law of its proper employment at home, has become valuable chiefly for export. It is true that with vast and continually increasing importations of merchandise from abroad, and the impossibility, under an inflated currency, of producing any considerable amount of manufactured goods cheap enough to be exported, or even of furnishing ships to carry them, the balance of trade and exchange is heavy against us, and ought in the natural course of things to bring up gold and every other exportable commodity to its full value. But this result, though plainly discernible in the future, has been postponed, first, by a tariff of duties on imports on an enormous and unprecedented scale; secondly, by the gradual exhaustion of our reserves of coin, held formerly throughout the country; and finally and most of all, by enormous amounts of money and credit loaned from Europe, in exchange for public and private securities of every description. Should this vast flow of credit from the old world to the new become suddenly and permanently checked, it needs no conjurer to predict the result. And there can indeed be no plainer or more conclusive proof of the actual depreciation of gold as compared with other commodities, than the fact that under a tariff of import duties averaging perhaps double those of previous years, the importation of foreign merchandise has continued on a colossal and increasing scale. Such duties in 1857–1861, would have been to a great extent prohibitory.

10. Let us now briefly inquire what are the evils of our present irredeemable and depreciated currency, and the objections to its continuance. These may be summed up in two brief statements: it is unsound, and it is dishonest. It is unsound because it is no real measure of value: it is dishonest because it pretends to be such, while it is composed wholly of paper promises, which are never redeemed and on their present basis never can be. If our whole nation were deprived of all correct measures of length, or weight, or capacity; if we had yards that were not yards, gallons that were not gallons, or pounds that were not pounds, the

whole community would cry out for redress, and the government would not dare to delay it for a single week. But unfortunately, in financial matters words are too often taken for things, and shams for realities, and plain common-sense is too easily hoodwinked by selfish cunning. Could I spread before you at a glance the incalculable and interminable mischief brought about by this potent cause, and originating in two or three years of incompetent and reckless financial administration, the cruel losses, the unrighteous gains, the decay of commerce, the triumph of monopoly, and the public and private extravagance, demoralization, and corruption which have flowed from this fertile source, you would indeed stand aghast at the spectacle. But it is my object at present merely to indicate, with all possible brevity, four different tendencies or results which must be ascribed to the past and present state of our currency.

(1.) The entire absence of any practical measure of value, taken in connection with great expansion of credit and unequal distribution of capital, has given such facilities for speculation as to cause wide and incessant fluctuations of prices, succeeding each other in every direction like waves of the sea, making it impossible to count with any approach to certainty upon any of the usual elements of production or of trade. Not only in stock-jobbing, therefore, which is too notorious to be more than mentioned, but in every department of regular and lawful commerce, it has become a matter of common remark, that all business has turned into gambling, while gambling, or rather speculation, has become the only safe and prudent method of business. The effect of this state of things upon the merchant I need not describe. Upon the great mass of consumers and producers, its obvious effect is to levy a tax amounting, perhaps, to hundreds of millions per annum, being the percentage of difference in price over and above a fair remuneration for the expense of distribution, which sticks to the hands of intermediate speculators and monopolists.

(2.) The state of the currency has rendered almost unavoidable an elaborate system of class legislation and wide-spread monopoly, most unjust and injurious to the people, and dangerous to our republican institutions. This is obviously not the place nor the time to enter upon collateral questions of political economy, however closely related to the subject before us. I shall content myself with stating the notorious fact that two, and only two, classes of the community, and those comparatively small in numbers, are protected in their monopolies by national law, at

the expense of all the rest, and that between them, commerce and agriculture are crushed and ground as between the upper and nether millstones. In the various combinations of various classes against one another, which are becoming more abundant from day to day, we see the slowly ripening fruit of this iniquitous system; but the full harvest is yet to be gathered. "They that sow the wind shall reap the whirlwind."

(3.) But after all, the most dangerous as well as the saddest consequence of a dishonest and irredeemable currency is its moral effect upon the people. When the government sets the example of breaking its most positive, solemn, and reiterated promises, and even legislates to prevent the possibility of their redemption; when banks are allowed to double their capital by appropriating the money of their depositors, and leaving their own debts unpaid except in paper promises; when every branch of legitimate industry and trade is crushed by monopoly, or rendered unsafe by the fluctuations of prices and values; what can we expect but what we see — agriculture and commerce painfully struggling to maintain their standing, a few flourishing at the expense of the many, the most reckless public and private expenditure of wealth, and extravagance of living, speculation, gambling, defalcations, and dishonesty of every kind. The recent investigations in Congress and the astounding revelations with which our press teems from day to day, relieve me of all necessity of adducing proof of these assertions. There are few severer tests of the moral principle of either individuals or nations, than a sudden and rapid influx of wealth; but when that wealth, instead of being acquired by honest industry or superior skill and knowledge, is the result of unfair monopoly or unjust legislation, when it is acquired by the few at the expense of the many, heaped together by gigantic speculations, or extorted from the public by iniquitous combinations — above all, when it is itself not a reality but a sham, consisting in the indefinite multiplication of dishonored promises and a mortgage on the industry of future generations, what other results could be anticipated than those we see around us?

(4.) Finally, we may all rest assured that this state of things cannot continue, but carries within itself the rapidly germinating seeds of its own destruction. The delusion that the currency of the country would gradually grow up to par with specie, has now been rudely dispelled. In the face of a constantly decreasing supply of paper, and an almost intolerable tightness in the money

market, we have seen the premium on gold advance nearly 10 % nor can we wonder at either phenomenon, when we see the constantly increasing liabilities both of the banks and the people, and the corresponding diminution of reserves, both of specie and paper, in the treasury and in the banks. Now if there is any soundness in the premises or the conclusions of this essay, a return to equilibrium with specie (by which alone specie payment can be rendered possible) can only be effected by a very large percentage of liquidation and diminution of these enormous liabilities. But we have seen, and the evidence is overwhelming, that with every year of continued suspension, the liabilities of banks, corporations, and individuals are increasing with frightful rapidity, and as a natural result, reserves are diminishing, borrowers are more and more embarrassed, and the cry for further issues of paper is becoming more urgent. Such issues would afford no real relief. What is wanted is capital to pay debts, and not credit, to increase them; economy and saving in expenditure, and not increased expenditure of what is not earned, but only borrowed. Unless something is done to check speculation and enforce retrenchment, we cannot long retain even the appearance of solvency, which we now enjoy. We seem to have come to the turning point when we must choose whom we will serve. The law of God, the law of honesty, prudence, and self-denial, points unmistakably in one direction. The plea of dishonesty, procrastination, and self-delusion, points the other way. The former, rightly followed, leads to liquidation and specie resumption; the latter, to repudiation.

11. We come now to the final question which is to engage our attention, and to which all that precedes is but preliminary. How can our currency be restored to a sound basis, that is of course to an equilibrium with specie? — for this equilibrium being restored, specie payment follows as a matter of course.

It is obvious enough, if our arguments hitherto have been sound, that so serious a change in the relations of values to prices, and in the amount of circulating medium in the community, can only be effected very gradually, and with the utmost caution and care. These considerations alone are sufficient to dispose of the famous phrase attributed to the late Mr. Horace Greeley, namely, that "the way to resume specie payment is to resume." The real question before us is not how to resume specie payment, but *how to prepare for resumption*, or, in other words, how to restore the equilibrium of specie and paper. The attempt to resume

payment without such an equilibrium would result somewhat like the experiment of jumping from the walls of our empty reservoir, under the delusion that it was still full of water. We should soon reach the bottom it is true, but not in a condition to repeat the experiment. Suppose even that the government were in a position with a reserve of $400,000,000 of coin to redeem every dollar of its promises on demand. This proceeding, so far from aiding the banks or the people to do the same, would lead to such large exports of specie, and cause such a sudden and violent contraction of credit, as has probably never been seen on this continent or indeed on any other. The same remark applies substantially to the schemes of Messrs. Sherman and Hooper, brought before the last Congress, and very properly set aside, the latter proposing to redeem greenbacks in specie, the former in five per cent. bonds, worth at least ten per cent. premium in currency, and in both cases with no other preparation than a year's notice. Unless the market value of all United States securities should be reduced at least ten per cent., such an experiment could not fail to result in general bankruptcy, or more probably to come to an end by a speedy repeal of the law.

Another supposed method of returning to specie payments, which seems to be growing less popular than formerly, is to let things go on in their present course, and wait till our paper *grows up*, as it is phrased, to par with specie. This theory I trust has been sufficiently exploded by what has gone before. Its essential falsehood lies in the assumption that credit by itself can produce value. And our recent experience makes it clear, that if no steps are taken to check the incessant expansion of credit, public and private, on its present unreal basis, a further expansion of currency will be imperatively demanded, and too probably conceded, as the only refuge from general bankruptcy.

We come now to consider in the last place the remedy of *contraction*, which has become a by-word and a bugbear throughout the land. On one side it is insisted that no other remedy can avail; on the other it is declared with equal fervor that it never has been and never can be attempted without ruin, more or less complete, to our industrial and commercial interests. Both these statements are perhaps substantially correct, but of course not in the same sense or application. Nothing would be easier, provided the will were not wanting, than for a very large part of the industry and commerce of the nation to adapt itself to the conditions necessary for a general contraction of liabilities, economy of

expenditure, and liquidation of debts, which would make it possible to accumulate reserves, to withdraw bank notes and greenbanks from circulation, to diminish bank deposits, to accumulate specie, and thus to produce a contraction of debt and of currency; easy because voluntary, and yet so rapid that within two or three years at furthest, specie payment might safely be resumed. But I need not tell you that while human nature continues as it is, no such prudent and disinterested action can be looked for. Every merchant, every manufacturer, every banker, every stock gambler, every man would inevitably seek to exempt his own little business from the operation of the general law; and the more certainly he counted on the moderation of others, the more confident and extensive would his own speculations be. In all such matters, we must expect from one and all, only what their own interest suggests, or the law demands.

It is plain, then, that we cannot expect or obtain that voluntary contraction by the whole people which alone would fully answer our purpose. But we can contract the currency issued by government, and this contraction will ultimately compel the banks also to contract their issues, in order to comply with the law. Can this be done, and can the process be continued, until the equilibrium of paper with specie is restored? We are compelled to reply, that in our opinion this course is no longer practicable. It might, we think, have been successfully adopted in 1865; and even in 1866, if applied with more caution and under more favorable circumstances, it might still have accomplished its purpose. The redundant paper circulation had not then, as it has now, forced its way into all the channels of industry and commerce, so as to leave nowhere a single reservoir or centre of reserve, whence the necessary drafts could be made. The paper issues of the government and the banks are sown broadcast over the land, and have become themselves the seeds of an incredible amount of private and corporate indebtedness, the whole being so inextricably intertwined that the mere attempt to root up a small portion of this unhealthy growth, may end in destroying a whole plantation. To speak less figuratively, the attempt to curtail the legal tender currency without making provision for a corresponding curtailment of other debts, public and private, would soon, as we conceive, bring matters to a dead lock. It would be like attempting to set in motion a heavy weight by violent pressure at the small end of a long lever. We are more likely to break the machine than to set the mass in motion.

It still remains true, however, that nothing but contraction can save us from continued inconvertibility, depreciation, and ultimate repudiation. But it must be a general contraction, not merely of national, but also of corporate and private indebtedness — of the superstructure as well as the base — in a word, of all credit now unduly expanded. It must be brought about, not by any arbitrary withdrawal of currency by the government, but by the voluntary action of the people. It must be so definite and direct, but so gradual and cautious, that not a single legitimate interest of the community shall be imperiled by it; yet so sure and irrevocable in its action that all the influences and combinations of speculators and stock gamblers shall be unable to interfere with it.

After naming these conditions, it may seem idle to propose any scheme which may hope to fulfill them. But there is a power in general laws and great principles which rises far above the temporary hindrances and limits of human affairs; and if we can discover and apply those which are suited to the present crisis, we may be assured that no existing difficulties will be found insuperable.

12. Our first proposition then concerns the legal tender notes of the government — the original engine of inflation and depreciation, and the only instrument available for gradual recovery. If our reasoning has been correct, a withdrawal of one half of these from circulation, provided the legal reserves of the banks were kept full, with a corresponding diminution of bank deposits, would place the currency substantially on a specie basis. But such withdrawal would be absolutely impossible without a corresponding curtailment of liabilities, both by the banks and the people. The government might continue to sell gold and destroy the greenbacks received for it, or it might issue bonds in exchange for greenbacks, without re-issuing the latter, but in all this there would be no inducement to the people or the banks to curtail their loans or their liabilities, except by the absolute pressure of law, which they are ready enough to evade or disregard. Nor would the law itself stand long in their way. Bank reserves would gradually disappear, and then would come the cry for new issues to make the currency "elastic."

But now, instead of depriving banks and people by a kind of force of their beloved legal tenders, can we not substitute for the latter a still better medium of exchange, which, in fact, they will like so well, as to begin by slow degrees to hoard it, and for this

purpose to curtail their liabilities and even diminish their expenditure? In this way contraction would begin at the right end, at the over-expanded summit and not at the base of credit. If this process could be continued until the liabilities of both banks and people were reduced to a point which could be maintained on a specie basis, resumption would be a mere matter of form. But it is very desirable that during this process, which must be extended through at least several years, no arbitrary withdrawal of currency from circulation should be made by the government, whether by loan or otherwise, but only by actual payment, dollar for dollar, in coin.

We propose, then, first, that the government should, with the least possible delay, call in and withdraw from circulation, the whole, or at least one half of the existing legal tender notes (excepting fractional currency), and issue in their stead an equal amount of new legal tender notes, payable at fixed dates, in coin, in monthly instalments of $5,000,000 each — but the payment not to commence before the year 1875 or 1876. These issues could be distributed to the highest bidders, as fast as a premium could be obtained, and in the order of their terms of payment, but only in exchange for existing greenbacks, which would, of course, be forthwith cancelled and destroyed. It will be seen that in this way, no change whatever would be made in the volume of the paper currency, but its quality would be changed from that which possesses absolutely no definite value, to that which can be definitely measured and computed in coin, while its function as a legal tender in discharging debts would remain unaltered. If we mistake not, the moral effect of this step would be very great. It would commit the government and people of the United States to a positive and definite redemption of those dishonored promises which have so long debauched the nation; it would make speculators and stock gamblers understand that their reign was over, and that any further attempt at inflation must end in ruin. It would teach banks, merchants, and even capitalists, the wisdom of moderation and prudence; and would make it for every man's interest to save rather than to spend, to sell rather than to buy, to work rather than to speculate. Stocks of merchandise would be allowed gradually to diminish, while money, or what is called such, would everywhere begin to accumulate. Wild and unprofitable enterprises, which have hitherto competed with legitimate industry, would begin to break down or be abandoned. Doubtful and unnecessary undertakings

would be postponed. Bank loans and liabilities would fall off, while bank reserves would increase. All purchases of bonds by the National Treasury would, of course, be stopped, and a much needed reserve of gold coin would begin to accumulate. Before long the new legal tenders would begin to be hoarded, especially by the banks, which would thus have a strong inducement to increase their reserves and lay the foundation of an "elastic" currency. After two or three years of this state of preparation and transition, the payment of the United States notes in coin would begin, at the rate of $5,000,000 a month, or $60,000,000 per annum, which should easily be met from the surplus revenue and the accumulated reserves of the Treasury. Should it at any time be necessary to borrow, we will venture to predict that all needed funds will be supplied at so low a rate of interest, as to astonish and confound those financiers, who have supposed it possible to borrow cheap without vindicating the National good faith.

It is hardly necessary to trace any further the action proposed. By the time one half of the existing legal tenders were redeemed in coin (a process which would occupy about three years) the circulating currency of the country would probably be brought to an equilibrium with specie, and the liabilities of banks and people would be correspondingly reduced. Gold coin would circulate at par, and the general resumption of specie payments would be a mere matter of form. Prices of all commodities would have adjusted themselves during these five or six years to the new and permanent basis of specie value. The prices of many things, such as real estate and other permanent investments, might be in many cases but slightly and temporarily affected, and would probably recover in a few years of prosperity, all that they might appear for a time to have lost. Prices of merchandise affected by foreign exchanges would follow the price of gold, declining slowly and gradually to par. The prices of the great mass of commodities annually produced and consumed at home, and which for more than ten years past have been subject to incessant and violent fluctuation, would begin at once to acquire steadiness, declining slowly and gradually to the point indicated by a correct measure of value. Estimating this amount of the decline at the highest proportion which our investigations will warrant, namely, thirty-three per cent., it is evident, that being spread over five or six years, it would but little exceed five per cent. per annum, a proportion hardly one fifth or even one tenth of the amount of variation to which some of our most important commodities have been sub-

jected, within comparatively brief periods, during these ten years of financial anarchy and misrule. But in the present case there will be a compensation such as has not existed heretofore. The movement of prices, instead of being spasmodic, irregular, and uncertain, will be uniform, moderate, and steady, and always in one direction. What we appear to lose as borrowers, sellers, and producers, we shall gain as lenders, buyers, and consumers. No great and general change can occur without more or less of individual suffering; but here the suffering will be incidental and comparatively easy to avoid, while the benefit will be great, immediate, and universal. We do not pretend to anticipate with anything like accuracy the precise time required to complete the process of restoration; but we see no reason to doubt that it may be steadily continued until its final object is accomplished.

13. There remains one weak point to be guarded against in our scheme, namely, the redemption of National Bank notes. With a singular want of foresight and common-sense, our National Banks have been allowed to invest their whole capital in United States bonds and to deposit these with the government as security for the notes which they issue. Of course this arrangement leaves no funds in their hands, either for the redemption of notes or for loans to their customers, except the money of their depositors and their own reserve profits. They may indeed lend their credit in the form of bank notes, but this credit they have no power to redeem. During the suspension of specie payments these notes, being guaranteed by the government, have floated about the country substantially on a par with greenbacks, and with scarcely a thought of redemption in any quarter. But when greenbacks begin to advance towards par, these notes must necessarily follow the same course. The greater part of them will no doubt continue to circulate on an equality with greenbacks, and even with gold; but as we have seen, there will be times when a considerable portion of every elastic currency must either be redeemed in specie or withdrawn from circulation, which is equivalent to the same thing; and while some of our larger banks may be already in a position to meet this contingency, it is certain that a very large proportion, especially of the smaller ones, would prove utterly unable to do so. Yet the stress of such contraction is quite as likely to fall upon the weak as the strong, and though the currency itself, being guaranteed by the government, might survive the shock, an extensive panic among depositors and the insolvency of hundreds of banks might discredit and overthrow the whole system.

It must be remembered, also, that with the return to specie payment, free banking becomes established by existing laws; and with the multiplication and competition of new banks, which cannot fail to follow, the amount of circulation of existing banks will be continually diminished. It will become essential, therefore, for many and probably most of the banks to cancel a considerable portion of their existing notes, and realize in cash the bonds deposited in Washington for their security. But this will never be done voluntarily, so long as it can be avoided or evaded; and as the principal redemption of notes will of course take place at New York or other commercial centres, and through irresponsible agencies, much confusion and embarrassment would be likely to ensue.

For all this, as we believe, there exists but one adequate remedy. Let the government, which holds nearly all the capital of the banks, and all the security for their circulation, make the necessary provision for its redemption. Let a bureau be forthwith established in connection with the sub-treasury at New York, where all national bank notes shall be redeemed in lawful money on presentation. Let the respective banks be notified, daily or weekly, of the amounts thus paid for their account, and if such amounts are not made good within thirty days, let a sufficient amount of the bonds held as security be sold, and the defaulting notes canceled. In this way both the convenience of the public and the highest possible credit of the currency would be amply provided for, while the redemption of notes would be reduced to its minimum amount, and effected with the greatest possible economy of specie. The expense could easily be defrayed from the taxes already paid by the banks, which would otherwise be unreasonably burdensome, after they shall have been compelled to pay their debts and relinquish their monopoly of credit.

The subjoined sketch of a bill to be passed by Congress appears to embrace all the legislation necessary to carry out the scheme we have endeavored to explain and defend: —

14. *Be it enacted, etc.*

SECTION 1. The Secretary of the Treasury shall cause to be prepared immediately, two hundred million dollars of legal tender notes, of the usual denominations, and in the usual proportions, payable in gold coin at the Sub-treasury of the United States in New York in monthly installments of five million dollars each, such payment beginning on the first day of January

eighteen hundred and seventy-six, and the date of such payment shall be conspicuously stamped on every note so issued. Each monthly installment of the said new legal tender notes shall be offered at public sale to the highest bidder, in exchange for existing legal tender notes, in the order of its date of payment, and ten million dollars of the said notes shall be issued in every calendar month, commencing as soon as the notes can be prepared, and continuing so long as any premium above par can be obtained for the same. When a premium can no longer be obtained, the said notes shall, after a delay of thirty days, be issued at par to all applicants in the order of their application, but the obligation to record and observe such order of application shall not extend to more than ten millions in the whole, before again offering the notes to public competition. And all notes received in exchange for said new issues of notes shall be immediately withdrawn from circulation and cancelled.

SECTION 2. The Secretary of the Treasury, in connection with the Comptroller of the Currency, shall establish forthwith in the city of New York a bureau of redemption, at which all circulating notes of national banks shall be redeemed on presentation, in lawful money of the United States; provided, nevertheless, that whenever in the opinion of the Secretary of the Treasury the cash balance in the Treasury shall not be sufficient to render the continuance of such redemption expedient, such redemption may be temporarily discontinued. And such national bank notes, when redeemed, shall be promptly assorted, and their amount charged to the respective banks by which they were issued, and weekly notice shall be given to such banks to redeem the same. And whenever such banks shall fail to redeem such notes within thirty days of the date when notice is mailed in New York, it shall be lawful for the Comptroller of the Currency to sell a sufficient amount of the bonds held for account of such banks, and to make good their deficit at the bureau of redemption. And all notes thus left unredeemed shall be forthwith withdrawn from circulation and cancelled.

SECTION 3. From and after the passing of this act, all purchases of bonds by the United States Treasury shall cease.

And now, my friends, before closing this long and perhaps tedious essay, let me appeal not only to you, but to every intelligent and thoughtful and honest citizen of our country, to unite in a firm resolve and an urgent demand, that this disgrace, this gigantic wrong, this scandal, this abomination, shall come to a

speedy end. If the scheme now proposed, or any other, cannot command the approval of the people, let the united wisdom of our ablest and most experienced merchants, bankers, and financiers be called upon to devise a remedy, and that without delay. That the richest nation in the world should submit to prolonged and voluntary insolvency; that the most thrifty and industrious of people should deprive themselves of one of the most essential instruments by which wealth is created and distributed; that the nation most zealous of commercial supremacy should abandon the field, destroy her shipping, overthrow her commerce, and become voluntarily dependent for capital and credit upon her European rivals; that the most democratic of nations should willingly subject itself to the basest of all tyrannies; that the descendants of those who fled from Europe for conscience' sake should deliberately refuse to pay their just debts, and openly violate that divine law which declares "just weights, just balances, and just measures shall ye have;" all this may seem incredible, and might, twelve short years ago, have been pronounced impossible; but unhappily it is now a matter of history. As we would recover our fair fame among the nations, as we value truth and justice and honesty at home, as we would escape the tyranny of monopoly, reconcile capital and labor, avert the impending conflicts of classes and perpetuate free institutions, let us see to it that this foul blot on our history be taken away at once and forever.

# SOME RESULTS OF THE CENSUS.

Read at the General Meeting in Boston, May 15, 1873. By Francis A. Walker.

In December of 1869, the Honorable James A. Garfield of the United States House of Representatives addressed the Association with reference to the then approaching Census.

That ready friend and able champion in Congress of all liberal and progressive measures, spoke at that time in sanguine anticipation of a new Census law which should conform to the requirements of modern statistical science, with reasonable consideration of the peculiar conditions of settlement and occupation in this country; and his address, well worthy of him both as statistician and as statesman, was mainly devoted to a recital of the features of the proposed legislation.

During the session which immediately followed, the results of the labors of General Garfield's Committee were submitted to Congress, embodied in a Bill which, though fairly subject to friendly amendment in some minor particulars, was warmly approved by the almost unanimous sense of the House of Representatives, and passed that branch of the national legislature by an overwhelming majority, the best men of both parties coöperating to perfect and to forward it. Of the combination of parliamentary accidents and malign influences which secured the defeat of that enlightened scheme in the Senate, it is unnecessary to speak here; suffice it to say that a characteristic indifference [1] to a

[1] It would seem that an apology was deemed to be required from nearly every senator who occupied the time — though not the attention — of the Senate with this subject.

Thus, Mr. Patterson of New Hampshire — "I have no ambition to speak to the Senate when the Senate is not listening to anything that is said. I think if an enumerator had been appointed to take the census of the Senate for the last two days, he would have had a very easy task, and would have made very poor wages. I am very much surprised at this, because it seems to me that the bill is one of great public moment, and one in which the Senate ought to feel a great deal of interest." Cong. Globe, 2d Sess. 41st Cong. p. 1134.

Again, "I will not continue these remarks, because I see that the subject has but little interest apparently for the Senate." Id. 1138.

Mr. Bayard of Delaware — "I am aware that this subject is apparently exceedingly interesting to the Senate." Id. 1141.

Mr. Morrill of Vermont — "Certainly the interest of the Senate seems down to zero; and yet we shall hardly have before us at this session a bill that will be of more vital importance to the country than the one under consideration." Id. p. 1108.

measure not of personal, or sectional, or partisan importance, ignorance of the special subject, personal pique, and an unworthy jealousy of the Representatives availed to bar the progress of the House Bill until the time arrived when by a so-called continuing clause in the Act of May 23, 1870, that Act revived and became the law of the land, governing in all respects the taking of the ninth as of the eighth and seventh Censuses. It thus followed that the enumeration of 1870 was conducted under a law wholly inadequate in the authority it confers, the agencies it creates, the inquiries it proposes.

It is to some of the results of a Census taken against such capital disadvantages, that I crave permission to call your attention to-day, premising merely that I shall omit everything in the nature of disquisition, confining myself to statements of fact, and trusting to better and older social observers than myself to supply the philosophy of the situations presented.

The topics to which I shall briefly refer are as follows: —

First. The causes of the retardation in the national increase between 1860 and 1870.

Second. What does the Census indicate as to the population of the United States in 1900?

Third. What are the indications of the Census respecting the future of the colored race within the United States?

Fourth. What are the relations of the foreign to the total population, and of the several foreign elements to each other?

Fifth. What have been the principal changes in the occupations of the people during the decade 1860 to 1870?

## *The Causes of the Retardation in the National Increase between* 1860 *and* 1870.

The population of the United States was by the Ninth Census determined at 38,558,371 on the first of June, 1870.

According to the projection of the line of ascent from 1820 to 1900 by Elkanah Watson, the population of the country at 1870 should have been 42,328,432. The estimate of Mr. De Bow, Superintendent of the Seventh Census, made it 42,813,726. The mean of the two sums would give 42,571,079 as the estimated population of 1870, or almost exactly four millions above the number of inhabitants reported in the Census. It may not be without interest to inquire what has become of the four millions of persons thus "turning-up missing" at 1870, of each of whom the United States Marshal has made his return "non est inventus."

"The War" is the first suggestion, and one which to the popular mind is probably sufficient. What, then, were the direct and indirect losses to population resulting from the four years of civil strife, so far as they can now be ascertained? The first part of the "Medical and Surgical History of the War," recently issued from the Surgeon-general's office, affords the means of determining very closely the direct losses of the Union Army. It appears that the Adjutant-general's office has the "final papers" of 303,504 officers and soldiers of the regular, volunteer, and colored troops. If we say three hundred and four thousand, we shall probably cover all the cases not embraced in this count. This statement, however, includes only those who died in service. Two hundred and eighty-five thousand were discharged on account of disabilities of the various forms recognized by the Surgeon-general's office. It is probably fair to assume that one third of these died within two years from discharge. Tens of thousands were discharged to die; tens of thousands more lingered through the first or second year. If, in addition, we allow for the accelerated mortality among the nearly one million and a half persons, enlisted for longer or shorter periods into the service of the United States, who neither died in service nor were discharged for developed disability, but who carried out with them the seeds of disease, or retired to civil life with shattered constitutions, we shall be safe in placing the loss of the Union Armies at five hundred thousand.

For the Confederate forces very little is available in the form of positive data. Perhaps the best estimate of their total losses in service is that of Professor Joseph Jones of the University of Louisiana, who was, if I mistake not, a surgeon in that service of large field and hospital experience. Professor Jones fixes the number at two hundred thousand. If we allow proportionally for the deaths immediately following discharge for disability, or more slowly ensuing from the general strain of the constitution and the gradual development of disease, we should have the aggregate loss for both armies about eight hundred and fifty thousand.

The more obvious of the indirect effects of the Rebellion upon population are three;[1] first, the check given to immigration by the state of war. Taking the mean of the four-years periods immediately preceding and succeeding the four years of war, the loss on this account is 353,000. Second, the check given to the increase of the colored population. This may be roughly stated

[1] See "Report on Population and Social Statistics," *Ninth Census*, pp. xvii., xviii.

at 560,000. Third, the check given to reproduction by the withdrawal of an average body of 1,200,000 to 1,500,000 able-bodied men from domestic life for a term of three and a half to four years. The number so withdrawn constituted between one fourth and one fifth of the natural militia of the country. The term for which they were so withdrawn, was between one third and two fifths of the decade. Taking the number of births which would have been required to keep the population up to its traditional rate of increase, and treating this number according to the ratios indicated, and thereupon computing the survivorship at 1870 from such births, by the Life Tables of Mr. Elliott contained in the second volume of the last Census, we should have the loss to the population at 1870, from this cause, between 750,000 and 850,000.

The above comprises all the proper effects of the war which we could indicate without seeming to finesse ; all that contributed in any important degree to the result of a population in 1870, below that projected from the point of view of 1810, 1850, or 1860. Even were we to allow considerable margin for the scope of the causes to which we have alluded, or to introduce other influences affecting population in minor degrees, we should still have a total of 1,200,000, 1,300,000 or 1,400,000 representing the falling off of population from causes not necessarily or properly incidental to the War of the Rebellion.

Substantially the whole of the effect thus indicated, I attribute without misgiving, to habits of life, which must be of observation by each of us ; habits of life which generally, if not invariably, connect themselves with, if they do not arise out of, certain conditions of industry and of settlement. The habits of life to which I refer, are the restriction of the marrying class : the procrastination of marriage within that class, and the careful avoidance of family increase. That these habits are having a rapid, though perhaps not a regular growth, all over the Northeastern and Middle States, and throughout the commercial and manufacturing communities of the West, does not require to be brought out by statistical comparison. The fact is patent, palpable, and needs no proof. It is only the degree of the effects which can be doubtful, and to those effects, within the last constitutional decade, it seems to me the measure we have just given, with a margin of two or three hundred thousand in a population of thirty-eight and a half millions, may fairly be applied.

*What does the Census indicate as to the Population of the United States in* 1900 ?

I take this date simply because it is that which has been made most conspicuous in estimates of the probable future population of the country. In 1815 Mr. Elkanah Watson forecast the population of 1900 with the result of 100,355,985 souls; in 1854 Mr. De Bow, Superintendent of the Seventh Census, made a similar computation upon later data, reaching the result of 100,337,408. In 1862 Mr. Kennedy, Superintendent of the Eighth Census (Preliminary Report, p. 7), put forth what purported to be an independent computation, but his figures bear a likeness to those of Watson,[1] which excuses us from considering Mr. Kennedy's as an original contribution to the literature of the subject. In 1869, after the war it will be observed, Mr. Commissioner Wilson, of the General Land Office, in his annual report, predicted a population of between one hundred and seven and one hundred and fifteen millions at the close of the century. These various estimates of our future national greatness have been a thousand times recited in loyal and patriotic effusions, and have been made the theme of infinite gratulation and jubilation. In the light of the results of the Census of 1870, how far is it reasonable to anticipate the realization of these predictions ? What, subject to accidents which it is impossible to foresee, and to the determination of tendencies not yet foreshadowed, is likely to be our population in 1900 ?

It has been shown that the realized loss of the last decade is, by the computations of Mr. De Bow, the highest authority among the persons just named, somewhat in excess of four millions. It is further evident that these four millions, who have thus failed to put in an appearance, had another part to play in Mr. De

[1] The following table presents Mr. Kennedy's estimate made in 1862, in comparison with Mr. Watson's made in 1815: —

| | WATSON. | KENNEDY. |
|---|---|---|
| 1870 . . . . . | 42,328,432 | 42,328,432 |
| 1880 . . . . . | 56,450,241 | 56,450,241 |
| 1890 . . . . . | 77,266,989 | 77,266,989 |
| 1900 . . . . . | 100,355,985 | 100,355,802 |

Mr. Kennedy states that his estimate is based upon "the well known and very correct assumption of a mean annual increase of three per cent." The application of this ratio, however, to the reported population of 1860, 31,443,322 (Preliminary Report, p. 131), will not yield the result given in the above table for a single one of the years specified.

Bow's scheme besides that of being enumerated at 1870. They were also required to become responsible for no inconsiderable portion of the population of 1900. A very simple operation in the "rule of three" will show that if the four millions in question were taken proportionally out of the several classes of the population in respect of age and sex, the loss at 1900 corresponding to the loss at 1870 is almost exactly ten millions, that is, there would be ten millions fewer at the latter date by reason of the non-appearance of four millions at the earlier date.

But it is further evident that if the loss at 1870 were out of the class which would reasonably be counted on to contribute more largely than others to increase the population thirty years later, then the loss must be reckoned higher. An analysis of the statistics of age and sex at 1860 and 1870,[1] shows that there are in every one hundred thousand of our population one thousand five hundred more persons over fifty years of age (*i. e.*, of the practically sterile class), and one thousand five hundred fewer below the age of twenty years (*i. e.*, of a class which would contribute to the population of 1900 not only its own survivorship, but its natural increase in the first generation). We have, therefore, manifestly a loss at 1900 greater than if the loss at 1870 had been distributed proportionally among the several periods of life. We can scarcely compute the ultimate effect of the realized loss of 1870 at less than 11,000,000. By this amount, therefore, we must discount the computed results of De Bow and Watson, making the population of 1900 not one hundred but eighty-nine millions.

But this is to treat the loss of the decade as due to wholly exceptional causes not likely to influence the rate of increase from 1870 forward. If, however, we have rightly charged a portion of that loss to habits of life and industry which are becoming more and more general throughout the community, we must look to see still further effects wrought by the same causes. We shall, perhaps, obtain our best view of the general direction,

| PERIOD OF LIFE. | 1870. | 1860. |
|---|---|---|
| Under twenty | 49,681 | 51,189 |
| Twenty to fifty | 39,472 | 39,314 |
| Fifty and over | 10,834 | 9,330 |
| Unknown | 13 | 167 |
| Total | 100,000 | 100,000 |

and the probable rate, of this movement, through a consideration of the recorded birth rates of the several States.

The Census does not obtain the number of births occurring during the year of enumeration, but, instead, the number of persons under one year of age surviving on the day of enumeration. This number is, of course, less than the number of births by the number of children born during the year and dying before its close. Moreover, the number of persons under one year surviving at the close of the year suffers loss through the heedlessness of Census takers in enumeration, and also through the tendency of parents, nurses, and servants, to speak of children between ten and eleven, and between eleven and twelve months of age as a year old. But while, from the combined operation of these two causes, the number of persons returned in the Census as under one year falls short of the number born during the year by a considerable percentage, the results can, for purposes of comparison as between States and sections, be safely taken as indicating the ratio of births to population, the omissions on account of the tendencies noted being assumed, as they may legitimately be, to have been uniformly distributed. This is undoubtedly the case in respect to the erroneous classification of young children who are actually returned, while, so far as any difference is made by disregarding the children born and dying within the Census year, their exclusion gives for the present purpose rather more than less of assurance, since the number surviving at the close of the year in the several States better measures the *effective* increase than would the *gross* number of births if obtainable.

If, now, for the purpose of ascertaining the rate of effective increase by birth in the different sections of the Union, we group the States (excluding those on the Pacific coast) according to the ratios found to exist between the number of persons under one year of age and the total population, we shall reach immediately some most instructive results. There are ten States which have thirty-six or more inhabitants of all ages to each child under one. These are Connecticut (44.79), Delaware (36.30), Maine (48.06), Massachusetts (44.18), Michigan (36.29), New Hampshire (55.45), New Jersey (36.41), New York (42.19), Rhode Island (44.18), and Vermont (46.37). These we group as Class I., having the smallest effective increase by birth. There are fourteen States having between thirty-two and thirty-six inhabitants of all ages to each child under one. These are Alabama (32.83), Florida (34.91), Georgia (32.10), Illinois (32.02),

Indiana (32.91), Louisiana (32.88), Maryland (35.36), North Carolina (34.85), Ohio (35.23), Pennsylvania (35.48), South Carolina (35.46), Texas (32.23), Virginia (34.22), and Wisconsin (34.00). These we group as Class II. The District of Columbia falls also into this class.

There are ten States having fewer than thirty-two inhabitants to each child under one year of age. These are, Arkansas (28.42), Iowa (30.64), Kansas (28.17), Kentucky (31.44), Minnesota (31.55), Mississippi (29.61), Missouri (31.73), Nebraska (29.85), Tennessee (31.93), West Virginia (30.79). These we group as Class III., having the largest rate of effective increase by birth.

Class I. contains an aggregate population of 10,085,853, the average of the class being 41.91 inhabitants to each child under one year; Class II., 19,291,476, average 33.91; Class III., 8,176.351, average 30.85.

We have then three groups of States, graded according to birth-rate. These groups, in spite of all irregularities, may be said to form successive tiers of States. Proceeding, indeed, from Northeast to Southwest the order of succession is perfect. Now if the birth-rate of the first group is low because of social and vital conditions naturally or necessarily associated with the industrial development of those States, as appears little less than certain, the question whether these conditions are to be extended over the States of the second group, and if so, within what time, and in what degree, becomes of great consequence in respect to the population of the United States in the immediate future. The same principle applies, though with smaller relative results, to the passing of the third group into the conditions of the second, or perhaps better, the extension over the third of the conditions of the second. What are the mathematical relations of the groups, considered with respect to their contributions, present and prospective, to the increase of population by birth? At the present time the contribution of the several groups to each body of one thousand births, as indicated by the facts of survivorship, are as follows: first 224, second 529, third 247. Let us now consider the effects which would be wrought upon the birth-rate by the extension of the conditions of the first and the second group over the second and the third respectively, and of the intensifying of the conditions of the first group, making successive assumptions as to the degree and the time within which the several changes may take place. And inasmuch as the probabili-

ties of such change of conditions appear from a general survey of the social and industrial facts of the country to be much less in respect to the southern portion of the second group, we will divide that group into two parts, separated by the southern line of Maryland, the first comprising a population of 12,375,003, and having on an average 34.17 inhabitants of all ages to each child under one; the second comprising 6,916,473 inhabitants, and having an average of 33.47, the contribution of the former to each one thousand births being 337; that of the latter, 192. It is a matter of course that if such changes are to occur in any portion of either group as would reduce it to the condition, in respect to birth-rate, of either of the other groups, those changes will, in fact, be effected gradually. But for the purpose of determining the principles involved, we may properly assume the changes to be instantaneous.

If now Group I. should be extended to include the whole of the upper half of Group II., the birth-rate of the United States would be reduced by 62 in 1,000; if over one half the reduction of the birth-rate would be 31 in 1,000; if over one third, 20⅔ in 1,000.

If the conditions of Group I. were intensified to those of the State having the smallest birth-rate, the reduction in the general birth-rate of the United States would be 55 in 1,000; if only to the birth-rate of Massachusetts, Rhode Island, and Connecticut, the reduction would be 11 in 1,000.

If the conditions of the upper half of Group II. are extended to embrace the whole of Group III., the reduction of the general birth-rate of the United States would be 24 in 1,000; if over one half of that group, 12 in 1,000; if over but one third of the group, 8 in 1,000.

If we assume in all the groups simultaneously the least of the changes, the effects of which have been thus computed, namely, that the whole of Group I. takes on the condition of Massachusetts, Rhode Island, and Connecticut; that the present average of Group I. is applied to one third of the upper half of Group II.; and that the present conditions of Group II. are extended over one third of Group III., we shall have a total loss of 40 out of each 1,000 births at the existing rates.

That such a westward extension of the conditions of the older States, in this respect, is gradually taking place, and that some of the States which are now embraced within Group II., will be found at 1880 to have fallen into the same class with the New England States, seems probable almost to the point of certainty;

but to assume to say just how far and how fast the change will go on, would be merely an attempt at imposture. The following are some of the more probable suppositions in respect to the future increase, the range from highest to lowest being still very wide, as is proper when we are dealing with undetermined elements of such magnitude.[1]

Should the rate of increase rise again to thirty per cent. each ten years, and be maintained during the remainder of the century, the population at 1900 would be eighty-four and three-quarter millions. Should it rise in the present decade to thirty per cent., drop in the next decade to twenty-five, and in that next ensuing to twenty, the population of 1900 would be seventy-five millions; or if we assume a uniform future rate of increase of twenty-five per cent., we have substantially the same result. If we assume for the remainder of the century the rate maintained during the last ten years, the population would reach seventy-one millions. Were the rate to drop to twenty per cent. for the last decade only, the result would be lower by a million and one half. In my view, the above estimates comprise all the reasonable probabilities of the situation. Somewhere between sixty-nine and eighty-five millions, with a decided preference for seventy-three to seventy-six millions, would, from the point of view we now occupy, seem to be the most likely place in which to find the population of the United States at 1900, subject to addition or deduction, by reason of the acquisition or the loss of territory.

Of course, no person would be so presumptuous as to deny the possibility of great changes, which shall vastly exaggerate present tendencies or wholly reverse existing relations. Long before 1900, the nation may be rent into discordant States. On the other hand, it may, before that date, extend its law over all the people of the continent, living in harmonious union. Half China and Japan may be precipitated upon us by the force of the revolutionary principles long smouldering in those ancient empires, or the stream of emigration may by that time set steadily from our shores to Australia and the Indies. But such merely possible and most unlikely events aside, I do not believe that the United States are destined to vary greatly in the three unexpired decades of the century, from a decennial rate of increase averaging twenty-three per cent., though ranging, it may be, from twenty-

[1] In dealing as above with the probable future population of the country, immigration has been taken into account. The anticipations entertained by the writer as to the course of immigration in the immediate future, are indicated as clearly as the nature of the subject will allow, under the title following, "The relation of the foreign to the total population, etc."

eight to eighteen per cent., or more probably from twenty-five to twenty-one.

*What are the Indications of the Census respecting the Future of the Colored Race within the United States?*

There is reason to apprehend that this portion of my remarks may remind you of the memorable chapter on the "Snakes of Ireland," in the history of that country. In point of fact, the indications of the Census respecting the colored element are very meagre, and are indirect, at that. Had Congress, in an enlightened view of the prodigious changes which had passed upon the country, and of the especial need of accurate information to direct the industrial, social, and political reconstruction of the South, provided for a Census of the United States in 1865, we might to-day be in a position to predict, with no little assurance, the line of ascent or of descent for this portion of our population. We should be able to measure precisely the effects of the violent and unprepared emancipation which was wrought, not so much by the proclamation of the Executive, as by the actual operations of our troops in the field, drawing after them vast bodies of the blacks, uninstructed and unprovided, to be crowded into camps and cities, to perish by privations and disease in uncounted numbers. We should be able to exhibit the maximum effect of these causes, and also to point out when and where the healing effects of peace began to manifest themselves in the recovery of something more nearly approximating the traditional rate of increase. We should be able, in a word, to see just where, and in what condition the War left this race, and where and how the state of peace took them up.

The great facts in regard to the increase of the colored population in the past, may be summarized as follows: —

Since 1810 the colored inhabitants have uniformly exhibited a lower rate of increase than the white inhabitants; the gain per cent. during the several intervening decades being as follows for the two elements of population: —

| | White. | Colored. |
|---|---|---|
| 1810 – 1820 | 34.12 | 28.58 |
| 1820 – 1830 | 34.03 | 31.44 |
| 1830 – 1840 | 34.81 | 23.40 |
| 1840 – 1850 | 37.73 | 26.60 |
| 1850 – 1860 | 37.69 | 22.07 |
| 1860 – 1870 | 24.76 | 9.21 |

During the term 1860 to 1870, the increase of the colored population in the Northern States, was fifty per cent.; but this gain was notoriously not by excess of births, but by migration northward. The increase of the Southern States was a little less than eight per cent. Those of the Slave States, which increased less than the average of the section, were Kentucky, Missouri, Virginia (including West Virginia), Delaware, Maryland, Mississippi, Louisiana, and South Carolina, including it will be seen, all the old slave-breeding states which were depleted by the drain northward occurring coincidentally with the destruction of the southern market for slaves. Of the other States, the chief rice State, the chief sugar State, and the chief cotton State, viz. South Carolina, Louisiana, and Mississippi, have suffered with almost equal severity. I am able at this time to make but one contribution to the question of the future of the colored race; yet I cannot but think it an important one. We know that the colored population has not increased in the Southern States, as rapidly as heretofore; we know, moreover, that there has been a decline in production in the four staple industries of that section, rice, sugar, tobacco, and cotton; but we might fairly assume that so far as the colored population had held its own, and even made progress, it would be due to the support furnished by those industries; that the ascertained loss would be out of the counties having the least agricultural production, and that the portions in which those industries are most successfully cultivated, with the largest margin of production, would be found to have borne best all the trying conditions of the last ten years. For the purpose of testing this assumption, I have taken 159 important counties of the South, being the counties having in 1860 the largest absolute crops in one or another of the staples mentioned; 79 in tobacco, 48 in cotton, 22 in sugar, and 10 in rice.[1] The counties thus taken are found, 15 in Alabama, 3 in Arkansas, 3 in Georgia, 28 in Kentucky, 32 in Louisiana, 5 in Maryland, 11 in Mississippi, 3 in Missouri, 8 in North Carolina, 9 in South Carolina, 14 in Tennessee, 2 in Texas, 26 in Virginia. In three cases, large cities were for the purposes of these comparisons separated from the counties in which they are located. The result of the investigation is, that while the tobacco States have increased in colored population 2.4 per cent. (from 1,719,249 to 1,760,474) the 79 select tobacco counties have fallen off 4.1 per cent. (from 488,698

[1] It is a noteworthy fact, that only four counties are thus duplicated; two of the cotton counties being also sugar counties; two of the sugar counties being also rice counties.

to 468,617); while the cotton States have increased 8.9 per cent. (from 2,680,764 to 2,942,852), the 48 select cotton counties have fallen off 3.04 per cent. (from 674,681 to 654,143); while the one sugar State has increased 3.95 per cent (from 350,373 to 364,210), the 21 select sugar counties of that State have decreased 11.1 per cent. (from 168,829 to 150,083), and the one sugar county in Texas, shows a percentage of increase less than one third of that of the entire State; while South Carolina, the great rice State, has increased .85 per cent. (from 412,320 to 415,814), the seven select rice counties of that State have decreased 13.79 per cent. (from 143,865 to 124,025): and the three rice counties taken from other States, have barely held their own. Had villages and the smaller cities been carefully excluded, the depletion of the agricultural districts would probably have appeared even more strikingly, but the necessary material at the Eighth Census is rarely accessible.

Time will not allow the discussion of this topic, but I respectfully submit whether the negro as the denizen of the city, for this in an important degree is the future to which the desertion of the tobacco, cotton, rice, and sugar fields points, is likely even to hold his own. That the colored population of the border States should have been reduced by the northward migration, is not surprising; but the negroes who have been lost from the great agricultural counties enumerated, are still found in their own States, resident in villages and towns, employed in domestic service, where increase is practically forbidden, or picking up a poor and doubtful living as teamsters or day laborers. It is not in such employments that the colored population have increased in the past, nor does it appear consistent with the known habits and proclivities of this race, that they should do so in the immediate future. It would be fair to expect that another Census would show a somewhat higher rate of increase than the last, which embraced the enormous losses by exposure and privation incident to a violent and unprepared emancipation: but it appears from the point of view we now occupy in the highest degree improbable that that ratio will rise to anything like the traditional twenty-five or twenty per cent.

*What are the Relations of the Foreign to the Total Population, and of the several Foreign Elements to each other?*

Prior to 1850, we have no information as to the number of persons of foreign birth living in the United States, other than could

be derived from the Statistics of Immigration, treated according to ratios, more or less satisfactory and conclusive, for the determination of survivorship at and for the individual dates taken.

The Seventh, Eighth, and Ninth Censuses present the number of persons of each specific nationality living in the United States on the day of enumeration. From the published results it appears that, in 1850, 9½ per cent. of the population of the country was of foreign birth; in 1860, 13 per cent.; in 1870, 14 per cent. At the several dates named, the relations to the total foreign, and to the aggregate population, sustained by the natives of certain specified foreign countries were as follows: —

| | Per Cent. of Total Foreign Population. | | | Per Cent. of Aggregate Population. | | |
|---|---|---|---|---|---|---|
| | 1850. | 1860. | 1870. | 1850. | 1860. | 1870. |
| Irish | 43.5 | 38.9 | 33.3 | 4.1 | 5.1 | 4.8 |
| Germans | 26.4 | 30.8 | 30.4 | 2.5 | 4.1 | 4.4 |
| English and Welsh | 13.9 | 11.5 | 11.2 | 1.3 | 1.5 | 1.6 |
| British Americans | 6.7 | 6. | 8.9 | .63 | .8 | 1.3 |
| Swedes, Norwegians, and Danes | .81 | 1.7 | 4.4 | .08 | .23 | .63 |

These figures, taken in connection with the Tables of Immigration from 1863 to the present time, as published by the Bureau of Statistics at Washington, and also with certain facts of general notoriety, appear to me to point to the following as the probable relation of the foreign to the total population of the country, and of the several foreign elements to each other, at the Census of 1880: the foreign to bear a somewhat smaller proportion to the total population than at 1870; the Irish to have decreased from 1870 relatively to the total population and to the total foreign population, both in an important degree; the Germans to have decreased relatively to the total population, but to have increased relatively to the total foreign population, though not largely; the English and Welsh, and the Scandinavians, to have increased relatively to both the total population and the total foreign population, the English and Welsh,[1] however, in much the higher degree.

Of the Chinese immigration, of which a great deal has been said of late in a somewhat sensational way, not much can be predicted upon statistical grounds. That such immigration cannot

[1] The acceleration of English immigration within the past few years has been very marked. The annual arrivals from England and Wales are now scarcely less than those from Ireland; and it is reasonable to anticipate a steady increase in the number for many years. It has taken a singularly long time to initiate emigration from the agricultural districts of England, but the movement would seem at last to have fairly commenced in earnest.

become spontaneous, but will remain in a high degree artificial, as in the past, the result of organized and laborious efforts to induce a movement of population; that Chinamen coming to America will continue to leave their wives and children behind them;[1] that they will come with a purpose not to stay, but to return; that they will take no root among us, and will make themselves no homes upon our soil; that their physical and mental peculiarities will always tend to render our people generally averse to close contact with them, and will defeat anything like sympathy on the part of those who have overcome an active aversion, these things appear certain. The statistics of recent immigration would seem to show that this movement has in fact already reached its maximum, and that the arrivals hereafter are not likely to be much more than sufficient to repair the waste of disease and the losses caused by the return of the more homesick or the more successful of this people. At the same time it is not impossible, nor even unlikely, that the social and political forces which, by the reports of many careful observers, are at work with unwonted activity in the Celestial Empire, may produce domestic convulsions which will detach considerable fragments of the population, and send them drifting in huge, inert masses to our shores. Can these have any other fate than to waste away by slow degrees under hostile influences, until they finally disappear?

The most vital relations of the foreign to the total population of the country are, however, shown rather by the Statistics of Foreign Parentage than by the Statistics of Foreign Birth. It is the increase of these foreign elements upon American soil which determines their importance to us. It is not the loan of their labor through one generation, but the contribution of their blood in perpetuity, which constitutes the real significance of the accession of one, three, or five millions of foreigners. Until the last Census, no data were available for determining the number of persons in the United States born of foreign parents. Under the enlightened administration of the Department of the Interior by Secretary Cox, of Ohio, the Superintendent of the Census was authorized to include among the inquiries of the population schedule, for the first time in 1870, the subject of foreign parentage. Although these statistics are subject to the usual exceptions on account of errors of enumeration, a very laborious and extended examination of the original returns from hundreds of subdivisions has satisfied me that they are substantially accurate and complete.

[1] Only 674 Chinese women arrived at all the ports of the United States in 1870; 137 in 1871, and 314 in the first three quarters of 1872.

The result of this inquiry into foreign parentage will doubtless be to dissipate certain vague notions in respect to the comparative fecundity of the foreign and the native constituents of our population.

The following are the summarized statements for the United States : —

| | |
|---|---|
| Number of persons of foreign birth | 5,567,229 |
| Number of persons having both parents foreign | 9,734,845 |
| Number of persons having foreign father | 10,521,233 |
| Number of persons having foreign mother | 10,105,627 |
| Number of persons having one or both parents foreign | 10,892,015 |

Now, as it may safely be assumed for the purpose of such a comparison, that all persons returned as foreign born were also born of foreign parents (the facts undoubtedly corresponding to the assumption in nine hundred and ninety-nine cases out of a thousand), we obtain by deduction the number of persons born in the United States, one or both of whose parents were foreigners, as follows : —

| | |
|---|---|
| Having both parents foreign | 4,167,616 |
| Having foreign father | 4,954,004 |
| Having foreign mother | 4,538,398 |
| Having one or both parents foreign | 5,324,786 |

Or we may put these facts in another form. There are 4,167,616 persons born in the United States, both of whose parents were foreign ; 786,388 who had a foreign father and a native mother ; 370,782 who had a foreign mother and a native father ; and by consequence 5,324,786 who had one *or* both parents foreign.[1]

It would add much to the value of these Statistics of Foreign Parentage if they distinguished, at least, the principal foreign nationalities. This, however, it was not deemed practicable to effect at the Ninth Census without sacrificing some of the inquiries specially enjoined by law. Yet while the Statistics of Foreign Parentage give no direct information as to the number of persons descended from the immigrants from any single country, they are susceptible of being treated, through somewhat remote but perfectly legitimate methods, so as to yield statistical evidence of a cumulative character competent, when in sufficient degree, to establish successively a presumption, a probability, or

[1] Of the foreign population of the United States, 67,997 in each 100,000 are between the ages of twenty and fifty. The ratio of males to females is 117 : 100.

a certainty in respect to the more rapid increase of one or the other of the two foreign elements which together constitute seven elevenths of the foreign population of the country. As the question whether the Irish or the Germans are increasing faster upon American soil, and under the conditions of American life, is one not of curious interest only, but also of serious social concern, I will, with your permission, indicate as briefly as the nature of the discussion will allow, the evidence which may be derived from the Census on this point.

We have for each State of the Union four facts: (1) the number of persons of foreign birth, (2) the number of Irish, (3) the number of Germans, (4) the number of persons having one or both parents of foreign birth. Now, it is clear that, were the proportions of the Irish and of the Germans to the total foreign population the same in each State, by turns, we should have no means of determining which of the two nationalities contributed the more largely to the product which we are contemplating, namely, the number of persons of foreign parentage. But, as matter of fact, the proportion between the second and third classes varies at every point; some States are strongly Irish; some strongly German. If, therefore, it shall appear that the States in which one of these foreign elements is in excess are generally those having the larger foreign parentage, there will be established a presumption, or even a probability in favor of the superior fecundity of that element, — using the word fecundity here to denote the *effective* increase by birth. A single instance would prove nothing, but a concurrence of instances upon one side might amount to a proof of a very high order.

In applying this test I have, for convenience as well as for the greater clearness and conclusiveness of demonstration, excluded (1) States which have less than ten per cent. (10%) of their population of foreign birth, the seventeen States thus ruled out — mainly at the South — aggregating a foreign population but little exceeding that of New York City; (2) States, the foreign populations of which are mainly made up of some foreign element neither Irish nor German; (3) the very new States, whose population has increased so rapidly in ten years as manifestly not to have allowed scope for the experiment of reproductive capability in such a degree and for such a time as to make the results of consequence in our inquiry.

These exclusions leave us only twelve States, which, however, embrace not less than seventy-three and one half per cent. of the

foreigners in the United States, seventy-nine and one half per cent. of the Germans, and eighty-two and one half per cent. of the Irish. Dividing these now as Irish or as German States according to the preponderance of the one or the other nationality, we have the following results: —

Of the Irish Group of States, there are in Connecticut to every 1,000 foreigners, 1,792 persons of foreign parentage on one or both sides; in Massachusetts, 1,772; in New Jersey, 1,853; in New York, 1,955; in Pennsylvania, 2,111; and in Rhode Island, 1,717.

Of the German Group, there are in Illinois, 1,942; in Indiana, 2,410; in Maryland, 2,174; in Missouri, 2,093; in Ohio, 2,281; and in Wisconsin, 1,969.

The average of the Irish Group is 1,941 persons of foreign parentage to 1,000 foreigners; that of the German Group, 2,084.

Now, it must be noted that in each case the 1,000 foreigners taken are embraced in the following larger number, a foreigner in this country being, as has previously been noted, presumably himself of foreign parentage. To obtain, then, the increase within the United States of these foreign elements, we need to deduct the constant number 1,000 from the second term of the ratio. This gives us to each 1,000 foreigners in Connecticut 792 persons born in this country of foreign parents; in Massachusetts, 772; in New Jersey, 853; in New York, 955; in Pennsylvania, 1,111; and in Rhode Island, 717; while the numbers for the States of the German Group are as follows: Illinois, 942; Indiana, 1,410; Maryland, 1,174; Missouri, 1,093; Ohio, 1,281; and Wisconsin, 969.

The average of the Irish Group is thus, 941; that of the German Group, 1,084.

Throughout this brief discussion of the facts of foreign parentage in the States of the Union, it has been assumed that the excess in the number of persons of foreign parentage over the number of persons of foreign birth in any State, expresses substantially the increase of this latter class. Exceptions undoubtedly exist, but they are so inconsiderable in comparison with the whole body treated, and they may so certainly be relied upon to offset each other, that, for the purposes of our argument, they may be entirely disregarded.

But we may go further in our investigations. The German and the Irish elements of the several States under discussion are naturally distributed with great diversity among the counties of

those States. There are strong Irish counties in German States, and strong German counties in Irish States; while in pretty much every State of either class, there are counties having the characteristic foreign element in a far higher proportion than the State as a whole.

If, now, the conclusion which we have drawn from the examination of the statistics of the States taken as entire bodies is correct, we ought to find that, as a rule, the German counties, whether in Irish States or German States, have larger ratios of foreign parentage than are found in the States themselves; while the strong Irish counties, whether in German States or Irish States, exhibit smaller ratios of foreign parentage than the States in which they are respectively situated. The results of this further inquiry, the detailed methods of which I need not recite, corroborate, in a very important degree, the conclusion previously recited. Of 91 counties selected by rules of exclusion of the highest degree of reasonableness,[1] and containing in the aggregate 934,321 Irish, and 898,625 Germans, 60 conform to the conditions indicated, while but 31 are adverse. The 32 selected Irish counties of the Irish Group of States, when taken collectively, exhibit the ratio 1,934 : 1,000; the 17 German counties of the same group, the ratio of 1,950 : 1,000. The 16 Irish counties of the German Group exhibit the ratio 1,867 : 1,000; the 26 German counties of the same group, the ratio 2,100 : 1,000. The whole effect, be it remarked, of the superiority in the respect of fecundity thus discovered is additional to the force of the inference drawn from the comparison of States as entire bodies. It seems, therefore, just to conclude that the German inhabitants of the United States are increasing more rapidly than the Irish among us, and that this result is due not only to peculiarities of location and occupation, but to qualities of stock developed under the conditions of American life.

*What have been the principal Changes in the Occupations of the People during the Decade?*

The difficulty we experience in treating this question is not due to the nature of the subject so much as to the fact that the Sta-

[1] These are as follows: —

(1) No county taken having less than five thousand foreign inhabitants.

(2) No county taken where the foreign population is made up, less than one half, by Germans and Irish combined.

(3) No county taken where the ratio between the German and the Irish inhabitants does not differ appreciably from that obtaining throughout the State at large.

tistics of Occupation at the Censuses of 1860 and 1870 are not strictly commensurable. From the failure to furnish adequate instructions at the Eighth Census, and from heedlessness in compilation, the published statements are in many instances without meaning to the reader, and, even when deciphered by an expert, are so little descriptive as to render anything like nice treatment impossible. On the other hand, the Statistics of Occupation for the Ninth Census include portions of the population excluded at previous Censuses by reason of chattelism or nonage. It is a task of no slight difficulty, therefore, to reduce the two statements to equal terms for just and ready comparison. As the statement of narrowest scope must afford the common measure of the two, the figures which I shall use for 1870 will be, not those contained in the Tables of Occupation,[1] but the figures as adjusted and equalized after the exclusion of classes not represented in 1860. For this purpose, it was necessary to compute the number of persons between sixteen and twenty years of age included in the several classes of occupations at the latter date. This computation has been made carefully by processes which I presume I shall be cheerfully excused from reciting.

What, then, are found to have been the changes of the ten years?

In the first place, the slaves of 1860 have been emancipated and the members of this (late) class were at 1870 enumerated in respect of their employments with the rest of the community. We must, therefore, make an addition to the published numbers of 1860 on account of those persons twenty years of age and upwards who were engaged in occupations in which they would have been reported, had they not been excluded by reason of their chattelism. The slaves of 1860 numbered 3,953,760. Of these 1,769,308 were between twenty and seventy years of age. How many of them would, if free, have been reported according to occupation? After many computations based on successive assumptions, I am disposed to place this number at one million two hundred and forty thousand, leaving five hundred and thirty thousand to be accounted for, as slave women keeping house for their families, — as in the slave-breeding States was the general usage — or as men or women debarred from actual employment by accidents or infirmities of one sort or another. Of this total of one million two hundred and forty thousand, probably one million and twenty thousand should be put down as farm or plan-

[1] Vol. on Population and Social Statistics, Ninth Census, p. 670 *et seq.*

tation laborers, and one hundred and sixty thousand as domestic servants. Sixty thousand more, on this assumption, were distributed through a considerable list of employments, but as it is manifestly impossible to feel any assurance in dealing with this element, we shall do well to omit it altogether for the purposes of this discussion.

We have, then, the four great departments of industry at 1860 represented in the occupations of the people as follows: Agriculture, 4,367,838; manufactures, 1,958,320; trade and transportation, 775,526; personal and professional services 2,261,051. Total (including the sixty thousand slaves unassigned), 9,422,735.

At 1870, 11,155,240 persons twenty years of age and upwards are returned according to occupations, being a gain of eighteen and four tenths per cent., the gain per cent. of population meanwhile having been twenty-two and one half. This total of 11,155,240 is divided as follows: Agriculture, 5,151,767; manufactures and mining, 2,500,189; trade and transportation, 1,117,928; professional and personal services, 2,385,356. Computing now the gain per cent. within the several principal departments of industry we meet with some most surprising results. In personal and professional service the increase in ten years has been five and one half per cent.; in agriculture eighteen per cent.; in manufactures twenty-eight per cent.; in trade and transportation forty-four per cent.

That while population has increased twenty-two and one half per cent., the increase in personal and professional services should be but five and one half per cent. appears startling. As we inquire into the items of the account, however, we not only find ample assurance of the truth of the statement, but we reach some most significant facts in the national situation. Two great bodies of persons combine to make up this department in so large a degree that their fortunes substantially control its increase. These are domestic servants and common laborers. In each of these classes there has been a marked falling-off, relatively, since 1860. Of common or day laborers, so called, that is, laboring men not permanently attached to any distinct branch of industry, there are actually fewer, twenty years of age and upwards, than at 1860. That this class should diminish with the higher organization of our industrial system was to be expected, but that it should have absolutely decreased in one decade, while population was making so considerable an advance, is not a little surprising. Doubtless the check given to Irish immigration has done much to

hasten the absorption of the common laborers by specific branches of industry. The greater accuracy of definition at 1870 may also have had something to do with this result.

Of domestic service in the Southern States, it would naturally be expected that the emancipation of the slaves and the impoverishment of their former masters would have driven the blacks from the house to the field, but this tendency seems to have been to a great extent defeated by the force of habits deeply bred in master and in man, and by the slow and painful recovery of industry from the prostration incident to the war. The border States, especially, still show a great excess of domestic service over the needs of the community, according to the standards of life in Northern and Western communities, due to an accumulation which there has not yet been time to drain off. At the North, so far as the increase in domestic service has kept pace with the increase in population, it has been mainly by the larger employment of boys and girls, and by the enlistment, in fast-increasing numbers, of Swedes, Canadians, and Chinese. Not less than 107,503 children, under sixteen years of age, were embraced in the domestic service of 1870. If we throw out these juvenile recruits, and allow for those between sixteen and twenty, who were not included at 1860, we should have the total number of servants but nine per cent. greater than ten years ago, though in the mean time population has increased twenty-two and one half per cent. Even when we count all ages and conditions of domestic servants we find the increase in the Northern States to be considerably less than the increase in population, showing that while social requirements have largely increased in respect to dress, equipage, and entertainment, while the appetites and tastes of our households have been rendered more difficult and exacting through the diversification of the national diet and the increasing consumption of spices, fruits, and game, while the Eastern States, especially, are assuming the semblance of greater leisure and luxury, the wives and the mothers of the great middle class, and nowhere so much as at the East, are discharging their domestic duties and maintaining their conformity to the demands of society, with a diminishing rather than an increasing body of hired help.

In other classes of personal and professional service, we find no changes during the decade especially deserving of comment. The lawyers have increased twenty-three per cent. in number; clergymen, seventeen per cent.; physicians and surgeons, thirteen

per cent.; professional teachers, twelve per cent.; the soldiers of the regular army of the United States have trebled since 1860.

Coming now to the general department of agriculture, we find, as has been said, an increase of eighteen per cent., being almost precisely the rate of increase in the whole body of reported occupations. In point of fact, however, this denotes a relative decline, though not excessive, in this department of industry, inasmuch as the division of labor and the use of labor-saving machinery cannot, in the nature of things, be introduced into the operations of agriculture to anything approaching the extent which the conditions of manufacturing industry allow; and consequently agriculture, to maintain the same relative share in the production of any country, should call in a steadily increasing body of laborers. The causes which have produced this result are not remote or obscure. When it is considered that the staple export products of Northern agriculture are little, if at all, higher, even on the seaboard, than before the war, while the articles which the agriculturist has to purchase for consumption in his business, or in the support of his family, have been increased in price from forty to eighty per cent. in the interval; when, moreover, it is considered that of the corn, wheat, pork, or beef, thus produced at disadvantage, one third, one half, or two thirds, according to bulk or location, must go to pay the charges of transportation from the farm to tide-water, it will not seem strange that, despite our extraordinary agricultural endowment, this great department of industry should have made such scanty increase during the constitutional decade just closed. Indeed, it is probable that the discouraging conditions of American agriculture, with a currency having no value in the commerce of the world, would have positively depleted this branch of industry in some degree, but for the fact that a large proportion of the farms of the Western States are held more in hope of the future than for present results, their owners abiding through all hardships in the confidence that the general growth of the country around them will in time make them independent, and even wealthy, putting meanwhile as much of their labor as is consistent with the immediate support of their families, into permanent improvements and increase of stock.

The manufacturing class has in ten years increased twenty-eight per cent. or five and one-half per cent. more than population. Does this measure the increase of manufacturing production? Manifestly not. In the industrial volume of the Census of 1870

[p. 379], the increase in the reported values of the products of manufacturing industry since 1860 (the two statements being reduced to equal terms), is given as one hundred and eight per cent. Of this increase fifty-six per cent. is there computed to represent merely enhancement of prices, both of materials and of labor. This would leave fifty-two per cent. as the actual increase in the volume of production, *i. e.* the number or amount of articles produced, quality being assumed constant. If, therefore, the amount of labor employed has been increased but twenty-eight per cent., and if we may assume that the personal efficiency of the average laborer has not improved during the decade, as it notoriously has not, we have an increase of twenty-four per cent. in manufacturing production due to the application of steam or water power, the introduction of machinery, and the simplification of processes. This may seem a very large statement, yet I am satisfied that it will bear investigation. In the boot and shoe manufacture, for instance, the actual increase in the quantity of goods produced, is in the neighborhood of thirty-two per cent., although the number of operatives above twenty years of age in that branch of industry has not increased since 1860. The necessary inference is that the increase has been through the introduction of machinery, and the application of power; an inference which is corroborated by the statement made to the Census office by one of the largest manufacturers of the country in this line, that the efficiency of labor in his establishment had been increased thirty-three per cent. within ten years by these means. In some branches the possibilities of mechanical invention are unquestionably much smaller, but in all departments, more or less, we have the fact of the extension of steam and water power to operations in which, ten years ago, only the strength of the human agent was employed. Unfortunately, for the purposes of this comparison, we have not the statistics of steam and water power prior to 1870, but the Ninth Census shows that 51,018 water wheels, with an aggregate of 1,130,431 horse-power, and 40,191 engines, with an aggregate of 1,215,711 horse-power, were at that date employed in the manufacturing industry of the United States.

In the common trades I will only note that while the blacksmiths have increased but twenty-six per cent., the carpenters have increased forty-two per cent.; painters, sixty-five per cent., and masons forty-two per cent. The rapid increase of all the building trades is one of the features of the present time most worthy of remark.

But it is when we come to the department of trade and transportation that we reach the greatest industrial change of the decade, if, indeed, the result we find may not be termed the greatest industrial feature of the situation.

Since 1860, the number of persons engaged in trade and transportation has increased forty-four per cent., against an increase in the total number of reported occupations of only eighteen and a half per cent., and against an increase in population of only twenty-two and a half per cent. But it may be asked, is not this due to the extension of our lines of trade, involving a rapid increase in the agencies and the agents of transportation? In some small degree this is true. I have, however, deducted, as far as was practicable, the classes engaged in transportation as by the Eighth and Ninth Censuses, and find the increase in the trading class proper to be still not less than forty per cent. What does this signify? How does this fact connect itself with the social and economical interests of the community? It may doubtless be read differently by many persons, but to my mind it corroborates strikingly the results of independent observations pursued for several years, to the effect that all branches of trading, and especially the department of retail trade, have had an extension in the direction of multiplying stores, shops, and stands, of maintaining an increasing number of employés of all classes, and of exaggerating the incidental expenses of "business," far beyond the natural requirements of trade, and, of course, at the expense of the consumers of the country. In other words, the people of the United States, if this diagnosis of the situation is correct, are maintaining a body of persons not less numerous than the standing army of the British Empire, and with a far greater number of dependents in the way of wives and children, than are charged to the officers and soldiers of that army: all in excess of the legitimate demands of exchange. This statement might even be made stronger without departing from the reason of the case, for as population deepens within any section, the exchanges of that section ought to be effected with a diminishing and not an increasing ratio of expense. Even the subdivision of trade, and the establishment of commercial specialties in populous communities, which might, on the first thought, seem to require an increase in the number of persons engaged, does most undeniably tend to effect a larger amount of exchanges at the same expense for wages of employés, transportation charges, and waste of material.

What has rendered such an increase in the trading classes pos-

sible? Has it not been the weakening and distracting of the economical sense of the country, by the debasement and perversion of the national currency? In a natural and healthful condition of trade, any increase in the number of the trading class, in excess of the amount of trading to be done, would require the same amount of profits to be divided in smaller individual shares, and the effect would thus be to starve out the superfluous members, the poorest first, as is right, driving these to other more directly productive branches of industry, for which they might be found better qualified than for the difficult and delicate duty of exchange. Such a condition of things will always exist when the standard of value is sound, and such a condition is essential to restrict the gross profits of exchange, and, by consequence, the number of exchangers to the actual wants of trade. If the community be in the saving vein, as is always the case under an honest currency; if individual purchasers part slowly with their money, looking after every penny to see that it brings its worth, the pressure on the trading class will be steady and constant, and merchants mark up their goods at the peril of having them left on their hands. If others offer on lower terms, these are at once sought out and patronized. A community in this mood will put up with no nonsense in prices. Only a stern and determined effort, originating in and justified by an actual advance in cost, will be sufficient to raise the price of any article against the determined resistance of the whole community, or to keep up the price thus advanced one day after the substantial reason therefor has ceased.

If, on the other hand, the economical sense of the community is deceived by a false standard of value; if, by the introduction of credit into the currency, every one is made to feel full and flush; if, without any reason in the case, people are sanguine and easy tempered; if they look into their purses and count their money by hundreds when its real value, its purchasing power, is only in fifties; if they are under this economical illusion, which may become as complete as any optical illusion which it is possible to produce, then prices will work their way up, little by little, under the acquisitive and progressive force of the trading class. One dealer puts up the price of an article a few per cent. His customers feel too indifferent to inquire strictly for the reason, or to seek lower terms elsewhere. The imposition passes unrebuked, and soon the whole trade are abreast of their more adventurous comrade. Even those dealers who seek to enlarge their business and

work into public patronage through reasonable prices, fail to be appreciated and rewarded. They find that people do not care enough for a little saving to go much out of their way for it, or to leave the more accessible or more fashionable localities, and they too soon give in to the plan of large profits and small sales, which has become the great fact in American retail trade. In such a condition, the effect of competition to bring down prices becomes reduced to a minimum, while the power of individual or associated acquisitiveness to advance prices rises to a maximum. And if this weakening of the economical sense of the consuming classes allows prices to be pushed up unduly by the trading classes, whose acquisitiveness is rendered only the more active and aggressive by the very causes which diminish the power of resistance in the general community, much more is it effective in maintaining prices once established, long after even the show of reason for the advance has ceased. It is only when the trading classes are followed sharply up by the economical sense of a community, acutely alive to the necessity of saving all that may be saved, and intelligent as to the proper relations of price, that they will, in popular phrase, be as quick and ready to "hear a fall" as to "hear a rise."

It is, in my opinion, nothing but the perversion of the economical sense of the country which has rendered it possible for the trading class to multiply so rapidly within the last ten years, far beyond the rate of increase in any other department of industry.

I have not, however, intended in these remarks to thrust my views on the philosophy of the currency upon the Association, but merely to suggest a probable explanation of the striking statistical fact noted, an explanation which, in the hurried course of this discussion, might fail to arise in the minds of some who are present.

# ON PUBLIC VACCINATION.

Read at the General Meeting in Boston, May 14, 1873. By Frank P. Foster, M. D.

The subject of vaccination, as being, beyond all comparison, the most efficient means of protection against the direst scourge which ever afflicted the human race, is always of paramount interest to the community at large. This interest is intensified whenever, as during the last three years, small-pox is extensively prevalent; and at such times, especially, it seems fitting that we should consider in what respects, if any, we have been remiss in the administration of this great blessing, and how we may enlarge and perfect its management. My experience in charge of the Vaccine Department of the New York Dispensary, during the last seven years, has brought to my knowledge many facts bearing upon the questions which arise in connection with public vaccination, and upon these I found my apology for appearing before you at the present time.

It is needless to discuss the radical question of whether or not vaccination does really afford protection against small-pox, although it is not very uncommon to hear doubts expressed as to this point. The teachings of the epidemic in Europe and America during the past three years have been amply confirmatory of the experience of more than three quarters of a century in every civilized country of the world — to the effect, namely, that, in the vast majority of cases, vaccination furnishes perfect protection against small-pox. Unfortunately, however, this protection is, in very many instances, not lasting. I am aware that the contrary is affirmed by a great many persons who may be presumed to be more or less conversant with the facts, and who are accustomed to state that one *proper* vaccination furnishes life-long immunity from small-pox, explaining away cases of post-vaccinal small-pox by the very easy assertion that the vaccination was not of the proper sort. The utter falsity of this sort of talk is constantly demonstrated in practice. I will instance the striking case recently related to me by Dr. E. C. W. O'Brien, Health

Physician of the city of Buffalo, of a man who, during several months, was employed to drive the ambulance used to convey patients to the small-pox hospital in that city. He had been vaccinated in early life, but declined re-vaccination at the hospital. For months, nevertheless, he escaped infection. Why? Because, undoubtedly, of the protection afforded him by the vaccination done in infancy, and which must, therefore, have been "of the proper sort." Finally, however, having in the meantime quit his employment, he took the disease and died. Why? Because the protective influence of his vaccination had at length ceased.

We may, perhaps, admit that in certain cases — not a majority, I believe — the protection lasts through life. The ordinary course of events, however, is that the immunity, complete at first, becomes weakened in the lapse of years, only modifying (and often very slightly) the effects of the variolous contagion, until finally it fails to oppose any resistance whatever to the disease.

These are unpleasant facts, but we shall never gain anything by underrating our opponent's strength. Is there, then, nothing more to be done? Mr. Marson and others have published observations which, so far as they go, tend to show that the degree and duration of protection are proportionate to the *amount*, as well as the quality, of the vaccine disease — that two simultaneous insertions of vaccine lymph are more fully protective than one, three more than two, and so on. This statement is repugnant to the theories very largely entertained in regard to contagia, but it is supported by analogy, and, at all events, it rests upon facts which are worth more than all the theories ever invented, and it would seem the part of prudence to act in accordance with it, even if we do not accept it as demonstrated. It may be, however, less material to us in this country than to Europeans, for the reason that with us vaccination is commonly done by scarification, whereby a relatively large extent of skin is implicated, whereas, in Europe the method by puncture is very largely employed; so that one of our vesicles is likely to equal two of theirs in size. If humanized lymph be employed, probably two insertions would fulfill the requirements indicated by Marson. If the animal virus be used, one insertion will be sufficient, as, with this virus, the size of the vesicle, compared with that of the scarification, is greater.

Along with this attention to the amount of *efflorescence*, it is considered important that a constitutional reaction — the vaccinal

fever — should be noticeable. Bryce, of Edinburgh, many years ago, called attention to a method of determining positively the occurrence or non-occurrence of constitutional infection — by repeating the operation before the expiration of five days. If the constitutional infection is present, the second insertion will give rise to a vesicle which will follow an unusually rapid course, overtaking the first one, although not attaining so great a size; and the two will end in incrustation together. This is known as "Bryce's test," and I have no doubt that its employment, in cases in which the vaccinal fever is not apparent, would greatly increase the protection of the community, and perhaps altogether prevent those rare cases of non-protection after apparently satisfactory vaccination. If, in any instance, the response is unsatisfactory, we should keep on vaccinating until the desired result is obtained.

But, far more than to any incompleteness in first vaccinations, we must impute the continuance of small-pox amongst us to the too prevalent neglect of *re-vaccination*. To obtain a policy of insurance, is well; to attend regularly to the payment of the premiums, is, however, equally necessary. We have no means of determining *à priori*, who are those fortunate individuals who need but one vaccination to protect them through life. We do know, however, that more than half the community can be re-vaccinated with more or less success as often as once in five years, and it is fair to presume that those who can be successfully re-vaccinated are more or less liable to take small-pox if the operation be not repeated. As often as once in five years, then, every man, woman, and child, should be re-vaccinated, unless some special contra-indicating circumstance be present — and oftener, if small-pox be epidemic. No regard, whatever, should be paid to the dicta of those who dilute the one vaccination theory to the belief that re-vaccination should be deferred until after puberty. There is little more than mere speculation in this theory. Let every individual remember, that by putting off his re-vaccination until an epidemic forces him to it, he endangers not only himself, but every other person in like predicament — in this way; when the panic comes, multitudes have to be vaccinated, no matter how inadequate the corps of vaccinators or the supply of virus. The result is, that improper virus is often used, and, at all events, the operation is hastily, and perhaps inefficiently, done. I well remember the panic of the winter of 1865 in New York. For weeks together, the waiting-rooms of the New York Dispensary,

and of the other leading dispensaries, were thronged with what might fairly be called a vaccine *mob* — so eager were the people to make amends for past remissness. Policemen were, for many consecutive days, in attendance to maintain order, and even then, the other business of these great charities had to be almost wholly given over, so that many hundreds of the sick poor were debarred from the attention which they ordinarily received. And all this might have been avoided, had re-vaccination been *regularly* availed of.

But not only do we see gross neglect in the matter of *maintaining* the protection afforded by vaccination; even *primary* vaccination has, with many people, never been attended to. This is fairly illustrated by the following extract from my last annual report to the Trustees of the New York Dispensary: —

"Of the eight hundred and forty persons vaccinated, *for the first time in their lives*, at the New York Dispensary, during the year 1872, —

| | | | | | | |
|---|---|---|---|---|---|---|
| 57 | were | three months old or younger. | | | | |
| 362 | " | between | 3 months | and | one year | old. |
| 204 | " | " | 1 | and | 5 years | old. |
| 71 | " | " | 5 | " | 10 | " |
| 52 | " | " | 10 | " | 15 | " |
| 36 | " | " | 15 | " | 20 | " |
| 13 | " | " | 20 | " | 25 | " |
| 23 | " | " | 25 | " | 30 | " |
| 5 | " | " | 30 | " | 35 | " |
| 7 | " | " | 35 | " | 40 | " |
| 2 | " | " | 40 | " | 45 | " |
| 1 | was | " | 45 | " | 50 | " |
| 3 | were | " | 60 | " | 55 | " |

"In four cases the age was not recorded. The youngest person vaccinated was one month old, and the oldest fifty-five years. Thus, then, out of eight hundred and forty unvaccinated persons who applied for vaccination during the year, two hundred and thirteen (more than a quarter of the whole number) were over five years of age, and presumably, daily going about the city without any protection whatever against small-pox."

Neglect, however, does not tell the whole story. There is, with many, an actual *hostility* to vaccination. It is true that we have, as yet, no "anti-vaccination leagues" in this country, so far as I am aware, but it is very common, in private practice, for us to meet with those who obstinately refuse to be vaccinated, and, as

witnessed in public practice, there are very many whom not even the presence of a variolous epidemic can induce to submit to the operation. Leaving out of account the few examples of mere eccentric perversity, this opposition to vaccination is, almost wholly, founded upon a dread that the virus with which vaccination is performed may convey to the person vaccinated some superadded *taint*. This feeling is very wide-spread in the community, and, although resting upon a very slight foundation, nevertheless there are some facts to support it, which it is impossible for us to explain away to our own satisfaction — much less to that of the public; so that argument upon this question is almost entirely thrown away. Should we, then, attempt to cut the Gordian knot by the adoption of *animal vaccination?*

That such a course would silence the opposition alluded to, there is not the slightest doubt. Such has been the case whenever the trial has been made. As an example, I may mention the case of the city of Buffalo, where, during the past winter, the corps of public vaccinators, by using the animal virus, were able to perform upwards of fifty thousand vaccinations after, as the Health Officer assures me, the number of those whom they could persuade to be vaccinated with the old humanized virus was very nearly exhausted. I have yet to meet with any opponent of vaccination whose scruples were not immediately dissipated at the mention of the animal virus.

Since then, animal vaccination enables us to spike the guns of the anti-vaccinationists, we cannot avoid the conclusion that it should be generally adopted, provided it be shown to be equally safe and efficient. This leads me to a consideration of the alleged advantages and disadvantages of animal vaccination.

It is well known that there are, in the medical profession, on the one hand, certain persons who claim that the long-humanized vaccine has degenerated and lost much of its efficiency, while the animal virus furnishes the only reliable protection against small-pox; and, on the other hand, certain other persons who maintain the contrary, and who, with a sort of religious fervor, anathematize any deviation whatever from the practice of vaccination as handed down by Jenner — as if it were a sort of inspired revelation, rather than a matter of scientific inquiry. These extremists have waged a warfare seldom surpassed in bitterness, but, fortunately, it has not, to any great extent, been waged upon our territory; so that, in this country, the practice of animal vaccination, which seemed in such great danger of being strangled,

either by its friends or by its foes, has been judged upon its merits, and the conclusions which we have arrived at are not likely to be overthrown by future experience. In stating these conclusions, the limits of this paper compel me to be brief and, to a certain extent, authoritative rather than argumentative. It is but fair, therefore, that I should state that what I have to say of the results of animal vaccination rests upon facts which have come under my own observation as director of the Vaccine Department of the New York Dispensary (which introduced the practice of animal vaccination into New York in the year 1870), or facts which have been reported to me by public vaccinators in various cities and towns, to whom I have furnished the animal virus.

(1.) *Vaccination with animal virus is equally as protective against small-pox as is vaccination with humanized virus.*

This, which De Paul had already proved by experimentally inoculating with small-pox virus those whom he had vaccinated with animal vaccine, has been the result of general observation in this country, where, in most of the principal cities, epidemics have been promptly cut short by vaccination done, to a very great extent, with the animal virus.

I do not, however, see any reason to believe that animal vaccination is any *more* protective against small-pox than the "Jennerian," and it seems to me that those who make the assertion are injudicious advocates of the measure, and likely to damage its repute by claiming too much for it. It is true, that the vesicle resulting from the insertion of the animal virus is generally larger and better developed than after the use of humanized virus — but we cannot, therefore, assume that the systemic effect is any more marked. The most we can say is, that, so far as concerns the ratio between the degree and duration of protection and the *amount* of vaccinial efflorescence, the advantage probably lies with animal vaccination.

(2.) *Animal lymph infects ("takes") as surely as the humanized.*

The facts upon which this statement rests comprise about one hundred thousand cases in which *stored* animal virus was used, and in which the results were either inspected by myself or reported to me by public vaccinators. These results have, therefore, to be compared with some established standard of results in the use of *stored* humanized virus. Such a standard, as given by Dr. Edward C. Seaton, Medical Inspector to the [English] Privy

Council (in his "Handbook of Vaccination," p. 161, London, 1868), requires ninety-five per cent. of successes in primary cases. Our results with the animal virus have been more favorable than this, in spite of the disadvantages entailed in having to distribute virus over a larger extent of territory than had to be done in England, and by means of transportation notoriously slower and more uncertain.

Our successes in re-vaccinations (including only such cases as showed marks of previous small-pox or successful vaccination), reckoning both perfect and partial successes, amount to more than eighty per cent. — or more than fifteen per cent. better than the best results given by Seaton as having been reported from the British military experience, and which appear to him "to represent a larger ratio of complete results (perfect vaccine vesicles), than we ordinarily meet with in civil practice." (Seaton, *op. cit.*, p. 278).

As a matter of course, what is known as *arm-to-arm* vaccination, in which the *fluid* and (so to speak) *living* lymph is conveyed directly from one person to another, furnishes a still larger ratio of successes, and should, according to Marson, not fail more than once in one hundred and fifty cases. Except, however, in the limited circle of a single family, arm-to-arm vaccination is not usually practicable, even in private practice, and, obviously, it would ordinarily fail to meet the emergency of an epidemic, when thousands of vaccinations have to be done within the shortest possible time. Moreover, we should not lose sight of the fact that public arm-to-arm vaccination, on a large scale, is, even when practicable, more or less of an outrage upon the child who serves as vaccinifer, as it inevitably worries him, and, unless done with the most consummate skill and the most scrupulous attention to cleanliness (neither of which is apt to be exhibited in the hasty vaccinations done during a panic), subjects him to a considerable risk of contamination. It is a fact that most of the cases of vaccinal syphilis on record occurred as the result of arm-to-arm vaccination.

(3.) *Animal lymph can be preserved as long as the humanized, and suffers as little in transportation.*

This fact is of the utmost consequence in our extensive and sparsely populated country, since the whole community derives its main supply of vaccine from a few centres of distribution. In our animal vaccination service, we renew our supplies at very short intervals — daily during an epidemic, and two or three

times a week during the greater portion of the year — so that our lymph is always what may be termed *fresh;* nevertheless, repeated observation (including a considerable number of experiments made for this particular purpose) have convinced me that this lymph, even when three weeks old (provided it has been kept *cool* and *dry*) will furnish results in no way inferior to those which I have mentioned. As to the matter of transmission to long distances, I have sent it in large quantities from New York to the Gulf States and to the Western Territories, and the reported results have been equal to those in which it was used in the city of New York. My experience in sending virus to the Pacific coast has been almost entirely limited to a few hundred quill-slips sent to San Francisco during the terribly hot summer of 1872. The reported results were not satisfactory, but I consider that the ordeal of a ten days' journey, with the thermometer constantly in the neighborhood of 100°, was more severe than any dry-stored vaccine could be expected to pass through without losing its activity — at all events, in the present state of our knowledge concerning the circumstances which favor or hinder its preservation. It should be understood that, in these remarks, I refer exclusively to *dried lymph*, as I do not consider any other form of stored vaccine, either animal or humanized, to approach this form in efficiency. This, so far as I am aware, is the unanimous testimony of all experienced public vaccinators.

(4.) *The effects of animal vaccine upon the individual are not, in general, more severe than those of the humanized variety.*

In this, as in all other statements relating to animal vaccination, in this article, I refer to the practice of propagating the cow-pox from a spontaneous case through a series of calves, and *not* to the use of primary lymph (that taken directly from a spontaneous case), or of that resulting from the variolation, equination, or retro-vaccination of the cow.

The charge denied in the statement is one of those most commonly and most pertinaciously made against animal vaccination, and yet none is more completely refuted by experience. It is especially noteworthy that the effects of the animal virus upon *infants* are even milder than those of the old humanized stock. I have never seen or heard of a case in which the animal lymph gave rise, in a child, to sufficient irritation even to cause suppuration of the axillary glands — a very common complication after the use of humanized virus. It is an unfortunate fact, that the operation of vaccination (like the prick of a pin and many other

trivial injuries) is occasionally followed by severe inflammation of an erysipeloid character, which may occasion, once in some millions of cases, the loss of an arm or of the life of the individual. Even in the rare cases in which this is said to have occurred, there is room for very serious doubt whether the vaccination was really the cause of mischief. A case in point will illustrate the reasonable character of this doubt: A physician of my acquaintance made an engagement to vaccinate a child on a certain day. He was prevented from doing so, and the child was not vaccinated. In about a week from the appointed day (the time when, if the child had been vaccinated, inflammatory trouble might have been looked for), the child sickened with erysipelas, which began at the insertion of the left deltoid muscle (the common seat of vaccination) and proved rapidly fatal. If that child *had* been vaccinated at the appointed time, no amount of argument would have convinced any layman that the vaccination was not the sole cause of the child's death. Such an occurrence may happen again at any time — even after vaccination with animal virus — so that it would be foolhardy to claim that the use of this virus can never, by any possibility, be followed by serious inflammatory trouble. I will simply repeat, that nothing of the sort has ever come under my observation, although I have seen several cases of severe inflammation, and one of pyæmia, following the use of the old stock.

In the case of adults (or, to be more precise, in cases of re-vaccination), the animal virus, like the humanized, often produces a result of some severity, although I have never seen anything of the sort which I regarded as at all dangerous. Occasionally there are eruptive vesicles, which amount to nothing more than an annoyance; or, there is ulceration, very limited in extent; or, the constitutional reaction (fever) is unusually severe, with chills, pain in the back, nausea, malaise, etc., lasting, however, only a few hours. These complications are, perhaps, slightly more frequent after the use of the animal lymph than after that of the humanized.

From these considerations, then, we are warranted in concluding that animal vaccination is a safe and efficient preventive of small-pox, and, as such, it is the duty of those charged with public vaccination, to make use of its popularity to enable them to vaccinate the greatest possible number of people.

Animal vaccination has, of course, its disadvantages, which, although they do not, for the most part, directly affect its availa-

bility, are still worthy of brief mention, in order that they may be, to some extent, overcome.

In the first place, it is very expensive, and therefore can only be carried on continuously by those who are in a position to derive a revenue from it. The fact of such revenue being possible is, in times of an epidemic, apt to become a prime consideration with persons who, knowing little of vaccination in general and less of animal vaccination in particular, hurriedly attempt the establishment of an animal vaccine service, and are thus very apt, by their imperfect results, to bring discredit upon the practice.

In animal, as in other vaccination, it occasionally happens that the lymph taken from a particular vaccinifer proves, from one reason or another, comparatively feeble; and, inasmuch as a larger *amount* of lymph is usually taken from a single calf than from a single child, of course, a larger amount of feeble virus is distributed. This is not very likely to happen to an experienced operator, and any untoward result can always be guarded against by not issuing any virus until it has already been tried upon animals. Before such a course can be generally adopted, however, the medical profession must be brought to realize the fact that vaccine lymph need not be so *very* fresh, as is commonly insisted upon.

These disadvantages weigh but little against the popularity of the animal virus, whereby almost the entire community may be prevailed upon to submit to vaccination; and are more than counterbalanced by the certainty with which large quantities of animal lymph may be supplied at short notice. At a certain time last winter small-pox was epidemic in Buffalo, Boston, and Baltimore, besides numerous other smaller places, so that our institution was called upon to supply an unusually large amount of virus. Just at this time I received, from one of those cities, a telegraphic order for quill-slips sufficient for six thousand vaccinations. I sent the whole amount within twenty-four hours after the dispatch was received. Can it be supposed that such an amount of humanized lymph could have been collected in so short a time without calling in the aid of unskilled assistants, and without an undue relaxation of that careful discrimination which should govern us in selecting our sources of vaccine?

Second only to the *source* of the vaccine to be used, is the *form* in which it should be employed. Public vaccinators in America are acquainted with three principal forms of stored vaccine, — *dried lymph* (on quill-slips or ivory "points"), *capillary glass*

*tubes* filled with liquid lymph, and *crusts*. Those who make the appropriations of money to defray the expense of public vaccination consult chiefly the price lists, and are led to favor procuring that form of virus which, for a given amount of money, can be made to do duty for the largest number of vaccinations. Hence, at the beginning of an epidemic, the preference is generally given to crusts. The consequences of this "penny wise and pound foolish" policy are always disastrous, as they would be in any other serious transaction. It cannot be too often or too emphatically repeated, that, according to the universal experience of trained vaccinators, in every country, crusts are the *very worst* form of vaccine. They are, indeed, as some one has said, fit for little else than to be affixed as seals to certificates of vaccination. The reason of this is, that they are unreliable. One particular crust may work charmingly, but ninety-nine others (equally fresh, equally as well formed, and as well preserved) may not work at all. Meantime, the epidemic has gained headway, and much of the work has to be done over, to the disgust of those who are subjected to it.

Tubes are little better, and should be restricted to cases in which it is wished to send virus to a great distance, and through a hot climate.

Dried lymph is more expensive, but it is also more efficient; and it is to be hoped that the small-pox prevalence of the past three years has taught local sanitary boards that whatever is worth doing at all is worth doing well.

# THE INTERNATIONAL.

By D. A. Wasson, and read at the General Meeting in Boston, May 15, 1873, by Dr. D. F. Lincoln.

As a special body, the so-called "International Association of Workingmen" is nine years old; but its real history began three quarters of a century since. When at length Robespierre gave the iron of the guillotine one recommendation by laying his own neck under it, a hanger-on of his, Babeuf by name, undertook to form a secret association, known as the "Society of Equals," whose purpose it should be to realize unsparingly those ideas of equality, which had been embodied by Rousseau, and had inspired the Revolution. Rousseau, however, while asserting the absolute personal equality of all men, had forgotten to inquire how the fact of private property might compare therewith. His contemporary, Mably, supplied the omission. The latter contended that there could be no real equality without equalization of possession, and predicted that the world would be ever in a blaze until this should be brought about. Babeuf and his Jacobin associates caught at the pleasing suggestion, and prepared the brand. They proposed, in sum, that manual labor should be made equal and universal, under penalty; that he who refused to surrender, for the use of others, all surplus above the necessaries of life, should be treated as a criminal, — sent to the guillotine, that would signify; that State and Church should be forever abolished; that the higher culture should be strictly prohibited, with universities, philosophy, poetry, art, learning, and the learned professions; that education should be the same for all, and limited to reading, writing, arithmetic, geography, and history; and that the press should be constrained, by a rigorous censorship, to keep within the required bounds. In April, 1796, Babeuf, with Darthé, Buonarotti, and others, caused to be printed and spread abroad a circular called "The Manifesto of Equals," in which the principles of the Society were set forth, and popular adhesion to it invited. A month later, the Association counted sixteen thousand members. Then the Directory, stepping in, relieved Babeuf of his head, and France of his enterprise. But it was this temper of the populace which rendered

republican government impracticable, forced a choice between anarchy and despotism, and made a place for Napoleon.

That "Society of Equals" was the nest-egg of the International. The line of derivation is still to be traced, as will presently appear.

Let us pass to the epoch of the July Monarchy, 1830. Under the reign of Napoleon and "glory," and again beneath the shadow of the Bourbon under-lip, the seed planted by Rousseau and the Revolution had grown, though under bad conditions of climate. Rousseau's house was one of two stories; first, Egoism is the only authoritative principle, and in every man absolute; secondly, Equality, or the equilibrium of all egotisms is the ideal condition. That ideal had proved wholly fascinating; philanthropy embraced it, a new Titania fondling the ass' head; the Puck of world-history had begun a new play, and would play it out.

But of that ideal, socialism is obviously the only realization. So, during the period we have passed over, St. Simon had dreamed his long, unquiet, fervid dream of a religious socialism, with equality and the delights of Eden restored; while Fourier, his contemporary, but over-lapping him by twelve years (died 1837), had been building his colossal scheme, of which the ground thought was this: that with adequate socialistic management, absolute self-indulgence in the individual is all-sufficient, and will work out a perfect felicity for the human race. Upon these had followed, or were soon to follow, a troop of socialist writers and experimenters, — Bazard, Enfantin, La Mennais, Pierre Levoux, Proudhon, Victor Considérant, Cabet, Louis Blanc, etc., etc. In Stein's book,[1] the bibliography of socialism and communism at this epoch occupies more than thirteen pages large octavo. In fine, with the opening of Louis Philippe's reign, socialism, in its various shapes, came distinctly to the front, as representing, — it alone perfectly, — "the ideas of the Revolution." From 1830 it becomes a feature, and from that date to 1871 a continually growing feature of the history of France.

Side by side with this, and with the same date, arose another movement, destined to become one with it, but at first quite distinct. It was the democratic agitation, which upon the accession of Louis Philippe broke out with great violence. Secret societies were formed in this interest, of which the most important were

[1] *Der Socialismus und Communismus Frankreichs von* 1830 *bis* 1848. Von L. Stein. Leipzig, 1850.

the "Society of Human Rights," and the yet more formidable one of the Carbonari; fierce insurrections arose, one in 1832, another in 1834. It was an unquiet time, seething like a caldron with the "ideas of the Revolution" and the passions of the hour. Seducing imaginations, and whispering plots, philanthropy and assassination, hearts hot with love and hands red with murder, — all opposites were mingled, and together would weave the tissue of "the new time."

The insurrections, however, had one effect little anticipated by those who had chiefly contrived them: they disturbed business, caused great financial embarrassments, and thus disgusted the well-to-do *bourgeoisie*, — at the outset well inclined to democratic government. These, accordingly, drew off from their associates, the proletarian populace, and lent their support to the monarchy. The proletariat, enraged at the defection, deprived of a moderating element, and left to their own devices, quickly became more violent in opinion and more desperate in temper.

It was at this opportune moment, in 1836, that Buonarotti, a former associate of Babeuf, brought out a life of his leader. In this he endeavored to convince the democratic populace that Babeuf's aims were in fact the same with their own, and that only by his method could they arrive at a real equality with all others. The publication was a spark to the tinder. The proletariat had been little attracted by the religious enthusiasm of St. Simon, or the vast system-building of Fourier; and so much the less that neither of these projectors admitted of coercion as a means to give his schemes effect. A crass communism was more suited to the quality of their minds, and compulsory methods to the quality of their temper. They caught eagerly at Buonarotti's Babeuf; and a coalescence of low-class democracy with low-class socialism set rapidly in. Secret associations quickly sprang to represent this union, such as the "Society of Families," the "Society of the Seasons," and that of the "Travailliens Egalitaires." The last named established a journal, "L'Humanitaire," to be its organ; and it professed a communism coarse to the last extreme. Not only was private property to be utterly abolished, but the family and marriage also, — this last because marriage "makes the free-given flesh a personal property, and thus renders impossible that happiness of a community of goods, which recognizes no property whatsoever." Out of these nests a savage insurrection was hatched in 1839, to be followed by another in 1840.

In 1841 came another event, — the publication of Louis Blanc's powerful and perverse pamphlet on the "Organization of Labor." To account for the effect of this, we must, despite all pressure for space, glance at an influence hitherto unnoticed. With the present century began a vast economical change, caused by the invention of steam-power and its application to manufacture. The effect of this was to separate capital and labor, locating them in distinct classes, to a degree never known before. Under the old industrial régime, a master-weaver, for example, was truly a master in business, and yet no capitalist. He had in a small space, his little collection of inexpensive looms; he had his two or three journeymen and his two or three apprentices, to whom he was not merely an employer, but instructor and protector as well, while they stood to him in the relation of pupil and ward. These together formed an industrial family, eating at the same table, living on terms of cordial human fellowship; and not the less that there were, as in the natural family, authority on the one side and obedience on the other. Each journeyman, meanwhile, and each apprentice was a candidate for the position of master himself; and needed only industry, frugality, and skill to attain it. The introduction of steam and machinery swept all that away. The master-weaver is replaced by a capitalist, not a weaver himself; the other members of the industrial family are replaced by operatives, destined to be only and always operatives. The latter, without hope to rise, socially isolated, and massed in manufacturing cities, might almost be said to form an industrial caste of low degree. Their spurious ideal of equality, or an "equilibrium of all egotisms," stands in contrast to this actual condition, with its sharp, unchangeable distinction of upper and under. Their imaginations have gone beyond all bounds of reason in one direction; their practical condition is pushed in precisely the opposite direction to an extreme that really does compromise social unity and health. That contrast and complication of opposites makes up the modern situation; and a truly distressing one it is, — for a right minded man is drawn both ways at once.

Now, Louis Blanc played upon both strings, and with great effect. Recognizing the real evils of the industrial condition, but looking at them from the leveler's point of view, — therefore with a false eye, — he signalized competition as their source. The remedy he proposed was exceedingly simple and summary, and therefore well suited to the popular taste. It was this: gov-

ernment, with its superior resources, should enter into competition with private capitalists, produce more cheaply, under-sell, ruin them, drive them from the field, and become itself sole capitalist. At the same time, democratic government should be established, — democracy in the extreme sense; not even the manager of a workshop to obtain place but by popular election. Then, competition being at an end, "the people" could vote themselves a rate of wages to suit their own pleasure.

This fine plan perfected the fusion of the socialists and the democrats. The latter were delighted with the proposed adoption and extension of their method, that of voting; the former were no less delighted that private capital could be extinguished by a means so simple and direct. From that epoch democracy and compulsory socialism became, in France, one and the same fact. Before this it was, that, seven years later, "the citizen king" forsook his throne and fled. Then came the provisional government, vainly trying to pacify the socialist democracy with labor, loans, and Lamartine; and then cannon thundering, through the streets of Paris, "The empire is peace."

Meantime, the French infection had spread into Switzerland, the Rhine provinces, South Germany, Saxony, Silesia, — had spread into all the manufacturing localities of Central Europe. Here, again, writers, writers; preachers also, and prophets and apostles; hot incubation upon the communistic egg; cliques, cabals, *bunds*, agitations, and great expectations, and great enterprises in hand; until at length the Swiss government, — a republican government first, — had to intervene, and say, "Thus far." Here, too, socialism and democracy stood apart for a time; indeed in 1846 a bitter war was waged between them. The years 1848 and 1849 brought them together, to make common cause against the common enemy; together they shared the dangers of the field, together saw their cause go down and bite the dust; and thus here, also, a foundation for future union was laid.

We pass now to London, with the date of 1850. In that city, some years earlier, had gathered a nest of communistic irreconcilables, refugees from Germany chiefly. A Bund had been formed from which, in 1847, issued a "communistic manifesto" so described by themselves. 1848 and 1849 called them to the Continent, to take part in the revolutionary struggle; but 1850 found them back again in the old refuge. The Bund was renewed, and a *Centralbehörde*, or governing committee, chosen, with a purpose to immediate and effective action. This commit-

tee speedily put forth another, and most remarkable, address to the proletariat of all Europe, covering fourteen pages octavo ; and, as will presently appear, we have every occasion to bestow upon this document something more than a passing glance.

At that time these men thought the revolution sure to break out again soon, and to sweep all before it. The victory would be won by the union of two parties, the communists and the small-property democrats, — *Kleinbürgerische democratischa Partei.* The committee, not at all doubtful of the event, were concerned solely about this question : After the victory, what ? The answer was : After the victory, we are to turn instantly upon the democrats and crush *them.* This was the great point of that most instructive paper ; and it was urged with a vigor and precision of statement, a pitiless hardness of temper, and a height of cold passion, not easily surpassed. About that premeditated treason to their allies, no relenting of kindness, no scruple of honor, stirred in their breasts ; no word affords, no reading between the lines can discover, one trace of magnanimous misgiving. But why were the democrats to be crushed ? Because from the moment of victory, *they* would become the sole remaining defense of private property. That system was to be swept away, and not a vestige of it left. " We are not concerned," say the committee, " for a change of private property, but simply for its annihilation : " [*Es kann sich für uns nicht um Veränderung des Privateigenthums handeln, sondern nur um seine Vernichtung.*] As bound to this system, the democrats were to be spared only while they could be used as instruments, and after that trodden into the dust. With a view to this last victory, — disregarding the intermediate one, whose certainty was assumed, — the proletariat were counseled to procure arms, elect military leaders, drill in secret, and thus to prepare themselves, in means as in temper, for the last grand enterprise, that of slaughtering democracy and private property with the same sudden stroke, and burying them both in the same dishonored grave. Meantime it should not escape notice that in this paper the last atrocities of the Parisian communists in 1871 were invited and approved twenty-one years in advance. " Far removed," say these philanthropists, " from opposing the so-called excesses, the examples of popular vengeance on hated individuals or public buildings connected only with odious memories, we must not only endure these examples, but ourselves take the conduct of them in hand : " [*Weit entfernt, den sogenannten Excessen, den Exempeln der Volksrache an*

*verhassten Individuen oder öffentlichen Gebaüden, an die sich nur gehässige Erinnerungen Knüpfen, entgegen zu treten, muss man diese Exempel nicht nur dulden, sondern ihre Leitung selbst in die Hand nehmen.*]

Who were these men? The already formed core of the International. Karl Marx, now prophet and pope of that association, was the author of the address. In 1850 the members of this Bund, whose direct successor the International was to be, not only were communists themselves, — so hardened in opinion and heated in temper, — but believed the communists of Europe numerous enough to win a final victory in arms. The revolution, however, refused to be forthcoming; and twelve years of helpless waiting taught these sanguinary agitators that success was to be attained, if at all, by no such leap to power as they had imagined.

We pass now to 1862. In that year the World's Exhibition was to take place in London. Meantime in France order had been so long maintained, that the class of operatives and artisans, ceasing to be feared, began to be petted; for kindness to labor soon returns when it is neither dangerous nor at especial pains to make itself disagreeable. Besides, it was then *en regle* in the empire to smile upon this class, — perhaps to evoke again, though only in the distance, and by way of warning, the exorcised phantom of communistic anarchy. In this mood of the government and the public, some one suggested that it would be a fine thing, if a delegation of workingmen from all parts of France, could be enabled to visit the Exhibition, acquaint themselves with the industrial progress of all lands, and bring home a report to their brethren. Admirable suggestion! Plaudits arose on all sides. Highly animated, a public journal, "Le Temps," proposed a general contribution to furnish means. Admirable again! So the means were provided, the imperial government lent aid, the railways offered cheap tickets, and the delegates set off, with all France smiling and congratulating. They went to London; what they saw at the Exhibition, or whether they saw it at all, nobody knows; but they *did* see, and to some purpose, the old knot of communists, very hungry then for action after a twelve years' fast. By these they were fêted, addressed, choicely flattered; the "sentiment of international fraternization" was invoked, the evils of international competition signalized, and many fine things said; and the recipients of these attentions returned to tell their fellows, not what they had seen at the Exhibition, but what they had heard at the Freemason's Tavern.

The inveterates now saw their game. They knew that the proletariat throughout western and central Europe were, in opinion, either communists (as ready to demand the utter extinction of private property), or socialists (as willing to restrict it within the narrowest limits), or if not explicitly socialist, withheld more by fear than by scruple. In such matters opinion is often measured by the sense of power; and projects repudiated by weakness, become wholly acceptable to strength. A brief possession of power changed Robespierre from a conscientious opponent of capital punishment to the head-butcher of all history. Let the proletariat once feel itself irresistibly strong, then, nothing but reluctances of opinion being in the way, the fiercer heads would soon infest the rest, unity of purpose be acquired, and effective action in the sense of the 1850 address be sure to follow. But of organization first; first, the word let loose many years before, "Proletarians of all lands, unite!" must be realized as solid fact. To this end, there should be a concerted movement toward a union of the compactest kind. It must proceed ostensibly, not from Marx & Company, but from "workingmen;" and under the circumstances, it must issue from England. But the hard English head, of all in Europe least accessible to speculative projects, could be penetrated only by skillful insinuations, which should hold much in reserve. Two years were consumed in this difficult preliminary labor; but the labor was not wasted; dull Odger and others were won over; and on the 28th September, 1864, a grand international meeting of workingmen was convoked by "English laborers" at St. Martin's Hall, London. The English were put forward to make the speeches, etc.; the cautious veterans kept back, and pulled the strings. In effect, the latter had everything their own way, and in nothing more than the English dress which the affair was made to wear for the eye of the public. They sent forward their cut-and-dried plans, and got them accepted; named themselves a central committee, with full power to act, and were confirmed; and the provisional scheme then adopted was two years later voted through in full congress.

As to doctrine, however, the policy of caution was ably followed. Their main points were three: first, that "the emancipation of labor" must be effected by the laborers themselves; secondly, that "the subjection of labor to capital is the source of all servitude, political, moral, and material;" thirdly, that the remedy is "solidarity between all laborers in all trades and countries." Nothing could have been better devised for their purpose,

namely, to gain power first, and make opinion when power should have beaten a path for it. So much as the above would "take" everywhere with the class addressed, would not be sufficient to alarm the governments, and would be sufficient to indicate direction for the initiated.

The scheme of organization was this: special Associations to be formed everywhere; several Associations to constitute a Section; several Sections a Federation, with a Federal Council; and all the federations to make up the International Society. Each Section, — or body of the second degree, — should yearly choose two delegates, one to the aforesaid Federal Council, the other to an annual Congress of the whole body; while this Congress would every year choose a Central Committee or Directory, in which, save during the few days of its own sitting, the sovereign power would lodge. Thus the General Association was, in theory, to be ruled by a government issued from an election of two degrees. But as Villetard, whom we here follow, well says, all has in practice gone just the other way. That Central Committee is always the clique of hardened communists in London, and the initiative proceeds invariably from them. Perhaps this also was foreseen, and was an essential part of the grand design.

The first Congress was appointed to assemble the following year at Brussels. As the time approached, however, the leaders saw themselves unprepared for a public exhibition; upon some pretext, therefore, of unfriendliness in the Belgian government, they assigned 1866 and Geneva as the time and place of meeting.

Then and there the event came off. Moderation was still the cue. So the subjects proposed were such as the labor of women and children in manufactories, reduction of the hours of labor, relations between labor and capital, obligation of all to work with the hands, evils of standing armies, etc. An attempted demonstration against Russia and in favor of Poland failed; a proposal to discuss the effect of religious ideas was quietly let fall. *Trade unions*, however, were denounced, as occupied too exclusively with their own affairs, instead of "acting against the capitalist system itself." On the other hand, coöperative societies of workingmen were approved.

The next year at Lausanne. Still no outspoken communism, but a significant advance, nevertheless. Here *coöperative associations* were condemned, as merely adding another element to the existing competition. They tend, it was said, "to create a fourth estate having beneath it a fifth more miserable yet." It

was esteemed unjust that a number of laborers should work together for their own profit, thus using their superior skill and industry to the disadvantage of others, less skillful or less diligent. "The social transformation," said the Congress, "can be effected in a radical and definitive fashion only by means which operate on the whole of society." Coöperative associations are not "societies of resistance;" they merely compete with capital, instead of subverting it; in a word, they confiscate nothing for the benefit of the "whole of society." What, then, are they good for? Beyond this very significant denunciation, the second Congress demanded that "the State be made proprietor of means of transportation and circulation, in order to annihilate the monopoly of great companies which, by subjecting the laboring class to their arbitrary laws, attack at once the dignity of man and individual liberty."

So far, feints and movements for vantage ground. But the year following, at Brussels, where the third Congress met, the assault came in earnest, A resolution, adopted and proposed by the managing committee, declared that all quarries, mines, railways, canals, telegraphic lines, and forests belong of right to "the social collectivity." Upon so much confiscation the Congress, it proved, was unanimously agreed. A resolution followed, proposed and sanctioned by the same committee, declaring further that all arable land is of right "collective property." Here some division arose. A minority requested modestly that the resolution should be put over to the next Congress, that time for consideration might be afforded to such as had insufficiently reflected upon the subject. The majority refused to yield even so much. The resolution was carried by a vote of thirty delegates to four, while fifteen withheld their suffrages.

The Congress of 1869 assembled at Bâle; and here a still further revelation of ultimate purposes was made. The managing committee brought forth a set of resolutions, denouncing private inheritance, in any shape or degree whatsoever, as an "iniquity which menaces all social right;" and they proposed for the sanction of the general body the following: "*Resolved*, that the right of inheritance must be completely and radically abolished, and that this abolition is one of the most indispensable conditions to the emancipation of labor." Thirty-three delegates voted for this resolution and twenty-three against it, while seventeen remained neutral. Here is an apparent increase of dissent, as explicit communism is more and more approached. Unhappily,

what might seem a hopeful token, turns out quite illusory, when more closely regarded. The contest was only between rival schemes of confiscation, the one open and avowed, the other thinly disguised, but too thinly to deceive.

The two parties took the name respectively of "Collectivists" and "Mutualists." The former are communists pure and simple; the extinction of private property is their avowed aim. As to the "Mutualists," whose leader, M. Tolain, claimed afterwards before the French courts that he had in this body "defended the principle of private property," — their plan is a very pretty one indeed. It is this: all interest paid shall be just so much toward discharge of the principal; all house-rent paid, just so much toward the purchase of the house; all payment, in fine, for the *use* of any property whatsoever shall go toward a transfer of title. For example, I hire $1,000 at 7 per cent. interest, and pay the interest at the year's end. Now my debt is not $1,000, but $923. I hire a house worth $5,000, and pay $500 yearly rent. After one payment, I own one tenth of the house; after occupying it and paying rent for ten years, am full owner. So with lands, ships, machinery, or whatever one desires the use of; he buys them by simply paying for a limited period a fair allowance for their use. It may be asked who would lend money, build houses, purchase and let machinery, etc., on these terms? Of course a compulsory law would be required to give the plan effect. And so this is not only a scheme of confiscation, but one which no less than "collectivism" implies a robbery by physical force.

Now, *that* is the extreme *conservatism* of the International! Confiscation, therefore, is its avowed creed, and a creed to which all, without exception, subscribe. There is a difference, however, as to methods. All agree upon the direct confiscation of quarries, mines, forests, railroads, canals, etc. The major number would, still further, confiscate all arable land and all inheritances. For this portion of the programme, the minority substitute a continuous confiscation, to be accomplished by the fine device of causing all consideration for the use of property to extinguish the title of the owner. That the originators of the association hold opinions, and are prepared for measures yet more extreme, is known from their own mouths; that they are sustained by no inconsiderable portion of their constituents, might be shown by citations from the press of the International, and by other evidence. We choose to determine the position of the society from its own official records and official action, and to hold it responsible for no more.

The Congress of 1870, which was to have proposed, in addition to the above, and among other the like ameliorations, the instant repudiation of all public debt, could not sit, the war intervening. But, as Villetard says, "it was opened in March, 1871, at the Hotel de Ville, taking now the name of the Commune of Paris." That the work of the Commune was *its* work is, at this date, past doubt. Past doubt it is, too, that the official leaders were not taken by surprise, and led into unconsidered action. Marx and his immediate associates have long known well, as the manifesto issued in 1850 proves, that their plans were to be consummated only by a social war such as the world has never yet seen, and that the seal of their success must be set in blood, if at all. How else could such schemes of confiscation be effectuated? The purposes of the organization are simply and avowedly predatory; and, taken at the very mildest, they look to depredation on such a scale as only war and carnage can accomplish. The leaders were fools not to recognize this. They are not fools, but only mad; and there is method in their madness.

We have thus passed hastily in review a socialistic agitation, which, dating from Babeuf, is now seventy-seven years old, and of which the International is but the last, most extensive, and most skillfully organized exponent. What has come of all this? What has it *done* for civilization in general and for the laborer in particular?

First, it has given Europe two Napoleons. It was Jacobinism running to Communism which compelled France, in the last years of the preceding century, to choose between endless anarchy, with its horrors too well experienced, and a concentration of power in the ablest hands; and of that came the first empire. It was the same thing, more developed, which, half a century later, put before the nation the same alternative; and of that came the second empire.

Secondly, it has forced up the cost of the necessaries of life throughout Europe. The laborer works for wages, and with his wages buys the product of labor. The more and better work he does for a given sum, the more that sum is worth in the way of purchase; while, on the other hand, the less he gives for his wages the less he gets for them. The International, with the general movement it represents, has made it his policy and his merit to shirk and cheat, giving for his wages the least and poorest equivalent possible. Once it was his motto: "A fair day's work for a fair day's wage." He has been taught to cast this away and

adopt another: "Spoil the enemy." The enemy he despoils seems to be the capitalist, and proves to be himself. He cheats his own mouth. Now, it is out of question that the studied war of labor upon capital has been attended with a large loss of skill and efficiency, and that the purchasing power of wages has been lowered in consequence. The International pretends to abolish poverty, and only aggravates it; pretends to secure the laborer his rights, and only teaches him to put himself in the wrong; pretends to be his grand friend, and makes him his own enemy. So much it has done, and, as an offset to this immense mischief, nothing.

There is a great social problem to be solved; this, namely: "How to bring labor and capital, between which there is now a class-separation, into relations of social sympathy and unity?" For this the International has substituted another: "How enable labor to subdue and confiscate capital." That mode of stating the question has converted what was but a social cleft into passionate antagonism, with, on one side, bitter hatred and injury that recoils upon the doer. If the experience of three quarters of a century can prove anything, it has proved that this line of policy leads to vast evil and to no good.

# LEGISLATION IN RELATION TO PHARMACY.

Read at the General Meeting in Boston, May 15, 1873. By Professor George F. H. Markoe.

Ladies and Gentlemen, — Modern Pharmacy has been defined as the art of selecting, preserving, preparing, and combining medicinal substances, and of dispensing them for use.

Those who practice this art are known by the names of pharmacists, pharmaceutists, or apothecaries, — these terms being quite synonymous. The term druggist being properly applied to the merchant who simply deals in drugs, and does not necessarily require any special scientific knowledge to pursue his calling. A fair amount of information in regard to the grades and varieties of the more important articles usual to the drug market, together with a good business education, is all that the druggist, properly so-called, needs, to successfully ply his vocation. A pharmacist is or should be an educated and properly qualified practitioner of the Art of Pharmacy. Since in the pursuit of his avocation he buys and sells drugs, he is a druggist; yet to skillfully perform all the duties required of him by the physician and by the demands of the public, he must be much more than a mere dealer in drugs.

To the pharmacist is intrusted the care of all the potent agents that are used by the physician to alleviate human suffering. It is a matter of the highest importance that every means that knowledge and skill can suggest be used to secure the proper quality and genuineness in his merchandise, to fit it for its ultimate uses, and to guard it from accidental and criminal misapplication. Disease is the common lot of mankind, and every man, woman, and child must, sooner or later, require more or less service from the pharmacist for the preparation of the medicines directed by the physician.

Without a properly qualified pharmacist to skillfully compound his prescriptions, the physician is liable to have his best efforts

baffled at every point. The public, whose health and even life so often depend on the pharmacist's fitness to accurately perform the duties of his profession, should imperatively demand the proper qualifications for the skillful practice of his art. How different are the facts of the case! Nothing can exceed the utter indifference of the public on this subject, which so closely concerns the physical well-being of every individual in the community. While the public has failed to recognize the importance of providing for the thorough training and liberal education of those who practice pharmacy, the leading men in the profession have been keenly alive to its necessity. This is especially true in the large cities of the United States, where the leading pharmacists have united themselves into incorporated bodies, which are known as Colleges of Pharmacy, having schools under their control, where systematic instruction is given in those branches of science, required for the skillful and accurate practice of the art. A brief account of these colleges of pharmacy will serve to give some idea of the useful work they have performed in the past, and the powerful influence they are at present bringing to bear to elevate the standard of pharmacial education in this country.

The Philadelphia College of Pharmacy is the oldest, largest, most wealthy, and hence most influential local pharmaceutical organization in this country. It was instituted in 1821, and incorporated in 1822. At the last session of its school it had a class of about three hundred pupils, ninety-four of whom graduated at the last commencement.

The College of Pharmacy of the City of New York was organized in 1829, chartered in 1831. A class of about one hundred and seventy-five students attended the lectures of its course of instruction during the past session, thirty-three of whom received their degrees at the annual commencement, March 31, 1873.

The Massachusetts College of Pharmacy was instituted in 1823, and incorporated in 1852. During the session of 1872–73, eighty-six students attended the lectures, six of whom had the degree of Graduate in Pharmacy conferred upon them at the Commencement, on the evening of May 7, 1873, in this city.

The Maryland College of Pharmacy, situated in Baltimore, conferred its degree on eight graduates at the close of its last session.

The Chicago College of Pharmacy, in spite of the loss of all

its property by the great fire, reopened its school of Pharmacy with a large class in attendance, and conferred its Diploma on three graduates at the end of the session of 1872–73.

In addition to schools above named, the St. Louis College of Pharmacy had twenty-three pupils, seven graduates. The Cincinnati College of Pharmacy fifty-one pupils, ten graduates. The cities of Louisville, Ky., and Washington, D. C., have each started schools of pharmacy under the charge of able professors, and doubtless will succeed in bringing up the standard of pharmaceutical education in the districts in which they are located.

All the regular colleges of pharmacy unite in requiring the following qualifications for graduation: Every person upon whom a diploma is conferred, must be of good moral character, must have arrived at the age of twenty-one years, have attended two courses of lectures on each of the following subjects: Chemistry, Theory and Practice of Pharmacy, Materia Medica, and Botany. He must also have served during a period of not less than four years with a person or persons qualified to conduct the business of a pharmacist in actual performance of the practical work of the laboratory and the dispensing counter, of which fact he must produce satisfactory proof to the board of examiners. He must also produce an original thesis or dissertation upon some subject of pharmacy, chemistry, materia medica, or some of the branches of science closely connected therewith. The candidate must pass written examinations by each of the professors, and finally, both written and oral examinations, before they are eligible to receive the degree of Graduate in Pharmacy.

A few medical schools give pharmaceutical degrees, but as these schools confer their degrees without requiring any actual experience or service in the practical details of the shop, the diplomas so conferred are not recognized by the regular colleges of pharmacy controlled by pharmacists. No diplomas are recognized by the last named colleges save those that are granted on the basis of four years actual practice in a dispensing or so-called retail drug store, under the preceptorship of a reputable pharmacist. The regularly trained pharmacists of the United States are eager to use every proper means to advance the cause of pharmacial education. This is well proved by the constantly increasing number of local associations, having for their object the spread of scientific knowledge, and the limitation of the practice of pharmacy to those who have been educated for its pursuit.

The American Pharmaceutical Association is a national or-

ganization, holding annual meetings. Its twenty-first annual meeting will be held in the city of Richmond, Va. All the local pharmaceutical associations and colleges of pharmacy on this continent are entitled to send five delegates, the delegates becoming members for that year. It has a membership of about one thousand of the best and most influential pharmacists from all sections of the Union, not a few of whom hold high rank among the scientific men of the country.

The following extracts from the constitution of the American Pharmaceutical Association will serve to show the useful nature of the work it endeavors to perform : —

" Its aim shall be to unite the educated and reputable pharmaceutists and druggists of the United States in the following objects : To improve and regulate the drug market, by preventing the importation of inferior, adulterated, or deteriorated drugs, and by detecting and exposing home adulteration. To encourage proper relations between druggists, pharmaceutists, physicians, and the people at large, which shall promote the public welfare and tend to mutual strength and advantage. To improve the science and the art of pharmacy, by diffusing scientific knowledge among apothecaries and druggists, fostering pharmaceutical literature, developing talent, stimulating discovery and invention, and encouraging home production and manufacture in the several departments of the drug business. To regulate the system of apprenticeship and employment, so as to prevent, as far as practicable, the evils flowing from deficient training in the responsible duties of preparing, dispensing, and selling medicines. To suppress empiricism, and to restrict the dispensing and sale of medicines to regularly educated druggists and apothecaries. To create and maintain a standard of professional honesty equal to the amount of our professional knowledge, with a view to the highest good and the greatest protection of the public."

The sentiments expressed in the above quotations from the Constitution of the " American Pharmaceutical Association," fairly represent the opinions and feelings of the educated pharmacists of the United States. Many of the local associations have incorporated these sentiments into their codes of ethics, as the principles that should guide the members in their intercourse with each other, and to govern their relations with the physician and the public. From the above statements it will be seen that the pharmacists themselves have done and are still doing very much to elevate the practice of their art to its proper place among the

professions; it is their aim to obtain for the American Pharmacist the same standing among scientific men that is accorded to the practitioner of the pharmaceutic art in Continental Europe — where pharmacy has long been fostered and protected by wise and efficient laws. Pharmacy should not and cannot be made an unrestricted trade open to every impostor, and to the dangerous incompetency of ignorant men. Free trade in pharmacy means to subject the lives and well-being of our fellow men to a most detrimental imposition; it means to pass unheeded the accumulated results attained by the centuries of toil and patient scientific research that have given to this age its infinite advantage in all that concerns the sanitary condition of the people.

The pharmacist must be made responsible to the government and the law. Pharmacy is not merely a business pursuit, but an office of *public trust*, and as such its practice should be conducted in accordance with all the requirements for the public good, and with the most advanced and intelligent public opinion. The best interests of humanity call for speedy reform in this most important branch of sanitary science. The urgent necessity for efficient laws regulating the practice of pharmacy and the sale of poisons, and for preventing the misuse and adulteration of drugs, has been a subject upon which the ablest men in our profession have bestowed much careful thought, much earnest labor. To the influence of the American Pharmaceutical Association and the local colleges of pharmacy, may be fairly referred pretty nearly all that has been done in the way of efficient pharmaceutical legislation in this country. In the year 1868, a committee was appointed by the American Pharmaceutical Association to report "a draft of a law" to regulate the practice of pharmacy and the sale of poisons, and to prevent the adulteration of drugs and medicines. The committee to whom the matter was referred, produced a draft for the proposed law at the seventeenth Annual Meeting of the Association, held in Chicago, September 1869. This draft was brought forward and adopted by the Association, not as the most perfect that could be proposed, but as embodying the principles and opinions of the Association.

The proposed law recognized all persons actually in business on their own account at the passage of the act, as entitled to be entered as registered pharmacists. All persons not then in business on their own account were to be subjected to an examination, or become Graduates in Pharmacy, before they could become registered pharmacists. The title "registered pharmacist" was ap-

plied to those actually in business on their own account. The title "Registered Assistant in Pharmacy" could be obtained by all "Graduates in Pharmacy," and examined practicing assistants in pharmacy. All employés in pharmaceutical establishments were regarded as apprentices until after they had graduated at a college of pharmacy, or had passed an examination before the Pharmaceutical Board; such then became practicing assistants. The titles *graduate* and *practicing assistant in pharmacy*, conferred a certain standing in law, hence a certain responsibility. Those who were neither *graduates* nor *examined practicing* assistants, were considered by the law *apprentices*. Graduates and examined assistants could become *registered pharmacists* by opening stores on their own account. The *graduate in pharmacy* could become a registered pharmacist by simply exhibiting his diploma, while a practicing assistant in pharmacy could accept any situation in any State, but could not *take charge* or *become a proprietor* of a store without being examined again. Proprietors of stores were compelled to register annually. The Pharmaceutical Board provided for by the law was to be appointed by the Governor out of nominations made to him by the several pharmaceutical organizations, and the registration was to be under the direction of that Board; it was also made one of its duties to prosecute all persons guilty of violating any of the provisions of this law. The Registrar was to be appointed by the Governor. It was his duty to publish annually an official register of pharmacists which would serve as a valuable list of those authorized by law to prosecute the responsible business of dispensing medicines and poisons. Practicing physicians and wholesale druggists and country store-keepers located three miles from any registered pharmacist, were excepted from the action of the law, but the latter were required to take out licenses as retailers of poisons, and likewise provided means for the conviction and punishment of adulterators of drugs and medicines.

After a very full discussion of the proposed law, in which pretty nearly every prominent member of the Association took part, the following resolutions, offered by Dr. Edward R. Squibb, were adopted by the Association: —

"1. *Resolved*, That the draft of a law to regulate the practice of Pharmacy, proposed by the Committee of the Association appointed for that purpose, be accepted and published in the proceedings of the Association, as being one method whereby the objects of this body in regard to that subject might be attempted,

and that as a method which embraces many useful details, arranged with great care and labor, it is recorded and published as well adapted to be useful to the legislatures of the different States of the Union, whenever they may see fit to respond to the earnest desire and call of this Association and of the community at large for enactments upon this subject.

"2. *Resolved*, That the difficulties of constructing a form of a law proper to be indorsed and recommended by this Association, for general application in all the States, are such that we must be satisfied with enunciating the broad principles which in our judgment should direct all legislation upon this important subject.

"3. *Resolved*, That we see with alarm and regret the rapid increase of accidents which occur from mistakes and mismanagement in dispensing medicinal substances, and that we earnestly desire to see these casualties checked and controlled.

"4. *Resolved*, That we regard the ignorance and irresponsibility of many who engage in the practice of pharmacy without proper qualification as the principal cause of such casualties.

"5. *Resolved*, That a proper degree of education and qualification should be secured by law, and that all proper measures for educating and qualifying persons for duties so important should receive more encouragement and protection from the law than they have hitherto done.

"6. *Resolved*, That the report of the committee, embracing the proposed draft of a law, of the action had in this Association upon the report, and of these resolutions, be printed in pamphlet form, and ten copies be sent to the governors of the different States of the United States."

By this action the pharmacists of the United States, through the medium of their national association, put themselves upon record as strongly in favor of proper legislation regulating the practice of pharmacy.

With the exception of the few places in which "pharmacy laws" are in force, there is no civilized country in which the community are so largely and so dangerously exposed to criminal incompetence, and to the long train of evils that follow in the track of the unrestricted assumption of the duties of the physician and the pharmacist by the numberless quacks and mountebanks who pollute the public prints with their obscene advertisements, luring by fair promises of assistance those whom folly or misfortune has made the subject of disease, and who only too often find themselves the victims of these human vultures, robbed

of their money and left with ruined health to drag out the remnant of their miserable lives, a burden and a disgrace to the community that suffers such things.

The law proposed by the American Pharmaceutical Association was based on the British Pharmacy Act of 1868. That law was the result of the earnest and persistent appeals of the Pharmaceutical Society of Great Britain to Parliament for the passage of a law compelling the registration, and providing for the education of those who engaged in the practice of pharmacy.

The Pharmaceutical Society of Great Britain was established in 1841, "for the purpose of advancing Chemistry and Pharmacy, and promoting a uniform system of education of those who carry on the business of chemists and druggists, and to provide a fund for the relief of the distressed members and associates of the Society and their widows and orphans."

After the incorporation of the Society by Royal Charter in 1843, the by-laws of the Society required all persons seeking admission into the Society, except those in business on their own account before the date of the charter (February 18, 1843), to pass an examination prior to admission, and fixing a date after which even this exemption should not be granted. The qualifications made imperative by the Act of 1852 were then, as they now are by the Pharmacy Act 1868, the passing of an examination in the subjects of chemistry, pharmacy, materia medica, and botany, with the practical manipulations of the dispensing counter and of the laboratory; also the modes of determining the strength and purity of drugs, the tests and antidotes for poisons, the doses of ordinary medicines, and a familiarity with the language of prescriptions.

The preamble of the Act of 1852 contains the following: "Whereas it is expedient to prevent ignorant and incompetent persons from assuming the title of, or pretending to be, pharmaceutical chemists, or pharmaceutists in Great Britain, or members of the said Pharmaceutical Society, to that end it is desirable that all persons, before assuming such title, should be duly examined as to their skill and knowledge by competent persons, and that a register should be kept of such persons."

Parliament in 1852 refused to place any restrictions on the sale of drugs, or the dispensing of prescriptions; but by legally establishing a distinction between qualified and unqualified persons, and giving titles which the public might recognize, it afforded a useful degree of safety in this important matter, and was a nota-

ble advance in this department of sanitary reform. To the Parliament of 1868 belongs the honor of completing the work so hopefully commenced, and to-day Great Britain enjoys the many advantages that flow from a just and wisely administered pharmacy law, and the practice of the art is rapidly advancing to the same high rank that it holds in all the other European States.

Those who practice pharmacy in England are divided into three classes: —

1. Pharmaceutical chemists, or those who have passed the major examination of the Pharmaceutical Society of Great Britain.

2. Chemists and druggists consisting of all those druggists who were in business on their own account before the passage of the Pharmacy Act, or who have passed the minor examination of the Pharmaceutical Society.

3. Apothecaries, or those who hold the diploma given at Apothecaries' Hall, and who are permitted to prescribe as well as to dispense medicines.

This last class and also the surgeons, very many of whom keep open shops or surgeries, are very unpopular with the regular M. D.'s and the pharmacists, the opinion being held by the last named classes that pharmacy and the practice of physic are distinct departments of the science of medicine; that there is range enough in each of these professions to give ample scope to the most ambitious for distinction, and that either of them call for such varied scientific attainments for their skillful practice, that either may well form the sole pursuit of even the most able students.

There is no valid reason for the practitioners of one of these professions to invade the domain of the other. It is the firm conviction in the minds of the most distinguished physicians and the ablest pharmacists throughout the civilized world, that those who claim at once to fill the position of a competent physician and a thoroughly qualified pharmacist, give plain evidence of their presumption rather than proof of the extent of their acquirements.

The action of the American Pharmaceutical Association in sending to the authorities in the different States of the Union copies of a draft of a proposed law for the regulation of the practice of pharmacy, was soon followed by practical and beneficial results. There can be no doubt that the laws enacted in several of the States owe their existence to the influence of that

action on the part of the Association. Not only the principles, but in a great measure the technical execution of the draft of the committee of 1869 were adopted, and hence we owe to the gentlemen composing that committee thanks for the important and excellent labor they performed in advancing the subject of pharmacial legislation. To Prof. John M. Maisch, the accomplished chairman of that committee, is especially due the credit of a vast amount of work in this direction, and it is not too much to say that he has done more to advance this important cause than any other single individual in the United States.

In 1870, the Legislature of Rhode Island passed a Pharmacy Act, based upon the law proposed by the American Pharmaceutical Association, but much more simple in its provisions.

The Maryland Legislature, on the petition of the Maryland College of Pharmacy, seconded by like petitions signed by the physicians and many of the most influential citizens of Baltimore, passed "An Act to prevent incompetent persons from conducting the business of druggist and apothecary in the city of Baltimore."

The Legislature of Pennsylvania passed "An Act to prevent and punish the publication of obscene advertisements and the sale of noxious medicines." The enforcement of this act has proved a powerful check on the success of a dangerous form of quackery.

In 1871, the Province of Ontario, Dominion of Canada, passed the law known as the "Pharmacy Act of 1871." It is much like the "British Pharmacy Act."

In 1871, the Legislature of the State of New York passed the infamous "Irving Drug Law," by which the city and the drug trade of New York were swindled out of many thousand dollars for the sole benefit of a commission appointed and controlled by the Tammany Ring. This law, so obnoxious and unjust, was denounced by the entire pharmaceutical press, and resulted in uniting the several pharmaceutical associations of New York City, under the lead of the College of Pharmacy of the city of New York, in a determined and finally successful effort for its repeal at the next session of the legislature.

In 1871, the Legislature of Virginia passed a law "regulating the sale of poisons."

During the year 1872, efficient pharmacy acts were passed for the city of New York, for Philadelphia, for San Francisco, and the Baltimore law was amended and made more comprehensive

and perfect in its provisions for the greater protection of the public from incompetent apothecaries.

During the past four years, strong efforts have been made to obtain a pharmacy law for Massachusetts, but in every case the legislature refused to pass the act proposed by the Judiciary Committee of the House.

Believing that the subject of the legal restriction of the practice of pharmacy to properly qualified persons is a matter of such great sanitary importance that it may well claim the efforts of this Association in its behalf, I most earnestly appeal to its members to join with the educated pharmacists of this city and State in demanding from the legislature the passage of a law that will, in future, prevent the many abuses that are practiced on the public by those who use an honorable calling as a cloak for disreputable practices.

In order to give some practical shape to the subject under consideration, I append a draft for a pharmacy act which I think would be approved by the qualified pharmacists of Boston. I say of Boston, because I think it will be better to get a pharmacy act for the city of Boston before making any attempt to have a law for the entire State. This would be following the successful example of Philadelphia, New York, Baltimore, and San Francisco, and be more likely to succeed, because in our past experience the main opposition to a pharmacy act has come from the country.

DRAFT OF AN ACT TO REGULATE THE PRACTICE OF PHARMACY AND SALE OF POISONS, AND TO PREVENT ADULTERATION IN DRUGS AND MEDICINAL PREPARATIONS IN THE CITY OF BOSTON.

*Whereas*, The safety of the public is endangered by want of care in the sale of poisons, whether to be used as such for legitimate purposes, or employed as medicines, and dispensed on the prescriptions of physicians; and whereas the power of physicians to overcome disease depends greatly on their ability to obtain good and unadulterated drugs and skillfully prepared medicines; and whereas the class of persons to which the preparation and sale of drugs, medicines, and poisons properly belong, known as apothecaries, chemists, and druggists, or pharmacists, should possess a practical knowledge of the business and science of pharmacy in all its relations; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Massachusetts*, That the term

or name of pharmacists in the meaning and scope of this act does mean, embrace, and apply to all persons engaged in vending at retail drugs, medicines, and chemicals, for medicinal use, and in compounding and dispensing physicians' prescriptions, either as owners of stores, or as managing assistants in charge of stores.

SECTION 2. *And be it enacted*, That any person who, after the passage of this act, does vent or retail drugs, medicines, or chemicals for medicinal use, or compound and dispense physicians' prescriptions in the city of Boston, without complying with the requirements of this act, unless he shall be employed under the circumstances contemplated in section 9, shall be deemed guilty of misdemeanor, and subject to a penalty or fine of fifty (50) dollars for each and every week he shall continue to vend at retail drugs, medicines, or chemicals for medicinal use, or compound and dispense physicians' prescriptions in the city of Boston without complying with all the requirements of this act, said penalty or fine to be sued for in the name of the Commissioners of Pharmacy and Practical Chemistry appointed under this act, and before any court of competent jurisdiction in said city. Said penalty to be paid to the treasurer of the Massachusetts College of Pharmacy for the use of the library of said College.

SECTION 3. That the Massachusetts College of Pharmacy shall nominate biennially, of the most skilled and competent pharmacists in the city of Boston, ten persons, from amongst whom the governor shall appoint three commissioners, whose duty it shall be to faithfully and impartially execute or cause to be executed all the provisions and requirements of this Act. They shall, upon application, and in such manner and such place that they may determine, examine each and every person who shall desire to engage in vending at retail drugs, medicines, or chemicals for medicinal use, or of compounding and dispensing physicians' prescriptions in the city of Boston touching his competency and qualifications; and upon being satisfied that the person so examined is competent and qualified to vend at retail drugs, medicines, and chemicals for medicinal use, and compound and dispense physicians' prescriptions safely and without jeopardy to the health and lives of the people of the city of Boston, they or any two of them shall grant such person a certificate of competency and register him as a pharmacist.

SECTION 4. That the commissioners appointed under this act shall be styled and known as the Commissioners of Pharmacy and Practical Chemistry, and shall hold office for three years

and thereafter, until their successors have been appointed and have been qualified; said commissioners shall, within thirty days after notification of their appointment, each subscribe to an oath before the clerk of the Superior Court of the county of Suffolk, to impartially and faithfully discharge the duties prescribed by this act. The position of any commissioner appointed under this act who shall fail to so qualify within the time and in manner named, shall be vacant. The governor shall fill all vacancies occurring from amongst the persons nominated by the Massachusetts College of Pharmacy under section 3 of this act.

SECTION 5. *And be it enacted*, That each and every person, before commencing to vend at retail drugs, medicines, or chemicals for medicinal use, or to compound and dispense physicians' prescriptions in the city of Boston as managing owner of a store, or as managing assistant of a store, shall register as a pharmacist under the provisions of this act.

SECTION 6. *And be it enacted*, That every person who shall at the time that this act goes into effect be engaged in vending at retail, drugs, medicines, and chemicals for medicinal use, and compounding and dispensing physicians' prescriptions in the city of Boston, shall be entitled to registration under this act, if application be made therefor to the Commissioners of Pharmacy and Practical Chemistry within sixty days after the passage of this act, and after the payment of the registration fee.

SECTION 7. *And be it enacted*, That said Commissioners of Pharmacy and Practical Chemistry shall demand and receive from each applicant for certificate of competency whom they examine, five dollars for each examination; and shall likewise be entitled to demand and receive one dollar from every person whom they register or re-register; the money received under the provisions of this section shall be used and applied by said commissioners to defray the expenses accruing or arising under this act.

SECTION 8. *And be it enacted*, That every person holding a diploma from a regular chartered and recognized college or school of pharmacy, based upon a full apprenticeship of four years as a pharmacist, and who presents satisfactory evidence of these facts to the said Commissioners of Pharmacy and Practical Pharmacy, shall be deemed competent, and entitled to register as a pharmacist.

SECTION 9. *And be enacted*, That in case of the death of a registered pharmacist doing business in the city of Boston, the

business of the said pharmacist may be continued by his heirs, executors, or administrators, for the benefit of said heirs for a period of six months, after which time, if the business be conducted by said heirs, executors, or administrators, they must employ a registered pharmacist to conduct it.

SECTION 10. Nothing contained in this shall apply to, or in any manner whatever interfere with the business of any practitioner of medicine who does not keep open shop for the retailing, dispensing, or compounding of medicines and poisons, nor prevent him from administering or supplying to his patients such articles as may seem to him fit and proper; nor shall it interfere with the making and dealing in proprietary remedies (popularly called patent medicines); nor shall it interfere with the business of wholesale dealers.

SECTION 11. *And be it enacted*, That this act shall take effect from the date of its passage.

The above draft of a Pharmacy Act for the city of Boston is based upon the Baltimore Pharmacy Act at present in successful operation in that city. I feel quite confident that the provisions of this proposed law would meet with the hearty approval of all the intelligent pharmacists of Boston, and would result in giving far greater security to the people of Boston in regard to the important subject which has been discussed in this paper.

BOSTON, *May*, 1873.

## GENERAL INTELLIGENCE.

Under this head there has been printed in the previous Journals, information relative to the various subjects coming under the head of Social Science, and a catalogue of its current literature. Since the publication of the last number, the Association has had no secretary to collect this information, and we are therefore able to give but very little.

John Stuart Mill. — By the death of this eminent man, which took place at Avignon, on the 8th of May last, this Association has met a great loss. In 1865, he was elected a corresponding member, and he accepted the office, by a cordial letter dated March 5, 1866. Everything in this country interested him, for he saw that the great moral and political truths, to the investigation of which he had devoted himself, were here to be subjected to the freest experiment. He congratulated us upon the attempt to form an association for the more careful consideration of these truths, and he offered to assist us in any way in his power. Such an opportunity was not to be lost and he was freely consulted.

We are indebted to him for a careful list of the literature of Political and Social Science. He gave advice as to a higher education in Jurisprudence, a subject which came before the Association in 1870. It was owing to his kind services that two of our officers had long personal interviews in London with Sir Henry Sumner Maine, in relation to this matter. We were about to request Mr. Mill to prepare a paper on the importance of the science of Jurisprudence for our next general meeting when we heard of his death.

His letters urged the necessity of higher education in this as in everything else, as will be seen by the extracts which are given below.

In 1868, the late secretary of the Association, Mr. Villard, with the consent of the executive committee, invited Mr. Mill to visit the United States, as our guest. This he was unable to do. His various letters in answer to the invitation exhibit that conscientious and severe care of his time and opportunities by which his whole life was characterized. In one dated January 19, 1869, he writes: —

"Few things could be more flattering to me than the high honor of such an invitation from such a body; and your letter also contains proposals of a pecu-

niary nature on such a scale of liberality as to convert a visit to the United States from an expensive pleasure into a source of great personal profit.

"The shortness however of life, and the numerous unexecuted literary projects which the public duties in which the greater part of my life has been occupied have left on my hands, and which require all the leisure of my remaining years for their fulfillment, admonish me of the necessity of dividing such time as I am able to dispose of between these undertakings and a rest much more complete than would be afforded by a journey such as that to which I am so flatteringly invited.

"These are considerations which compel me to decline an invitation so honorable, and which, if I had more leisure and a greater number of years in prospect, would have been so welcome to me."

It gives us pleasure to state that we could in some degree reciprocate his services.

Several of Mr. Mills' friends visited America, bringing letters of introduction to officers of the Association. Through the kindness of our members in various parts of the country we were able to assist their observations and studies in many ways.

In 1869 we caused to be prepared, at his special request, for his friend, Mr. David Watson, a very careful report on the practical working of vote by ballot in this country, to be used before a committee of parliament.

In 1869 a committee of the department of education was appointed for the purpose of considering the question of art in education. It was agreed that much could be done in this direction by a proper adornment of the public schools with carefully selected photographs and casts.

An extensive correspondence was carried on with persons in Europe on this subject. Mr. Mill took much interest in it, and his letters did not a little to determine us to attempt the experiment which was made in the Boston High School for Girls.

In his letter of October 28, 1869, he argues so forcibly about it, and gives so interesting an incident in his own life that we print it below:—

"The multiplication of casts of the finest works of ancient sculpture is very useful as one among many means of educating the public eye. Both in art and in nature, a certain degree of familiarity is necessary, not merely to the intellectual appreciation, but to the enjoyment of the higher kinds of beauty. Every one who takes pleasure in a simple tune has the capacity of fully enjoying Weber and Beethoven, but very often he derives little or no pleasure from a first hearing of them. It is a great mistake to think that children are not benefited by living and growing up among models of beauty. They are, on the contrary, more benefited than any one else, though not, at the time, conscious of the benefit. I can trace a great influence in my own development to the accident of having passed several years of my boyhood in one of the few old abbeys which are still inhabited, instead of a mean and graceless modern house, and having at the same time and place been familiar with the tapes-

tries from Raphael's cartoons, which peopled my imagination with graceful and dignified forms of human beings.

"There is a great want of this training of the perceptions and taste in our modern societies, but it is not by any one help or stimulus that the want can be supplied. The great desideratum in America, and, though not quite in an equal degree, I may say in England too, is the improvement of the higher education. America surpasses all countries in the amount of mental cultivation which she has been able to make universal; but a high average level is not everything. There are wanted, I do not say a class, but a great number of persons of the highest degree of cultivation which the accumulated acquisitions of the human race make it possible to give them.

"From such persons, in a community which knows no distinction of ranks, civilization would rain down its influences upon the remainder of society, and the higher faculties having been highly cultivated in the most advanced part of the public, would give forth products and create an atmosphere that would produce a high average of the same faculties in a people so well prepared in point of general intelligence as the people of the United States."

The old abbey to which he refers was, we suppose, Ford Abbey, where he and his father spent much time from 1814 to 1817, with Mr. Bentham, the younger Mill being then from eight to eleven years old. A very interesting description of this abbey is to be found in chapter eighteenth, volume tenth, of Bentham's works.

In a letter dated Avignon, January 26, 1870, he writes as follows: —

"The American Social Science Association will do immense service if it makes itself an organ for stimulating the desire and obtaining the means of the highest possible education. Stimulating the desire is all that is needed for obtaining the means, for there are never wanting, in your country, generous men who give large sums to enrich their country with permanent institutions which they think useful to it. When opinion shall have been duly prepared, persons will probably be found who will be disposed to endow Professorships of Jurisprudence and Roman Law at Harvard College and the other Universities.

"What you say about the new start which the mind of America has been led to make by her long and arduous struggle, is exactly what I foresaw from almost the very beginning. I wrote in January, 1862, and often said in the years following, that, if the war lasted long enough, it would very likely regenerate the American people, and I have been seeing more and more clearly since it closed, that to a considerable extent it has really done so, and in particular, that reason and right feeling on any public subject has a better chance of being favorably listened to, and of finding the national mind open to comprehend it, than at any previous time in American history. This great benefit will probably last out the generation which fought in the war; and all depends on making the utmost use of it, for good purposes, before the national mind has time to get crusted over with any fresh set of prejudices as nations so quickly do."

John Stuart Mill may be looked upon as one of the fathers of Social Science among the English speaking nations. Every future thorough

student of the science must be familiar with his works. It will be well for us, if we can continue their severe intellectual method, but still better if we can perpetuate the noble moral tone which pervades them.

J. M. B.

Report of the Civil Service Commission. *To the President:*— The circumstances under which the members of the Civil Service Commission were called upon to hold their session, now just brought to a close, attracted their early inquiry into the practical administration of the rules and regulations thus far, as well as into the immediate prospects and probable utility of civil service reform, as now inaugurated.

Were it not for the facts that some of the members have recently come to their places, and that it is the purpose of the Commission to hold an early session, at which it is intended to bring the existing rules and regulations, perhaps somewhat modified in details, into a regular series, we should consider it useful to present, more fully than we now propose to do, the results of our inquiries and reflections upon those subjects.

We now submit a brief report, and therewith several new rules suitable, in our opinion, to be prescribed by the President at this time.

But before presenting some of the reasons which justify these new rules, we wish plainly to declare our conviction that those having the duty of enforcing the civil service rules and regulations have brought to the discharge of that duty perfect fidelity to the essential principles of civil service reform, as well as that degree of vigor which only needs the support of an appreciative public opinion to secure the complete enforcement and vindication of that reform. A change so considerable as it proposes in some of our political methods can hardly succeed if not very gradually introduced. Even if at once correctly appreciated by public opinion, the difficulties of its early stages would not be small; but they are greatly increased when so many misconceive both the aims and the practical operations of the reform itself.

The new rules we submit more clearly define some of these aims, and we are able, as the result of our investigation, to speak, upon the warrant of the highest authority, as to some of the results of the practical operation of the rules in the great departments at Washington, where the clearest tests have been obtained. It appears to be the unanimous opinion of those at the heads of these departments that there has been a decided mitigation, under the operation of such rules, of the serious evils that before prevailed and steadily increased. Mere personal importunity and partisan intrigue have diminished in the same ratio that individual merit and just rules for testing such merit have been made the basis of appointments and promotions. The application of these tests has been gradually extended as experience has seemed to warrant, and in every case with good results.

In the Department of State, for example, a rigorous system for the

examination of applicants for the position of consuls has been put in operation under the Executive Order of March 14, 1873, and there is every reason to believe that incompetent persons will, in a great measure, cease to urge themselves upon that branch of the public service, and that those who pass the examinations will be competent to serve their country in a satisfactory manner.

In the Patent Office, the results of examination and competition have been more skilled ability in places where it was much needed, and more capacity in the same number of officials for a prompt and satisfactory discharge of their duties. Similar illustrations might be drawn from the other departments, if it was our intention to present a full report at this time. And one consequence of a fair and full examination into the qualifications of applicants, by boards competent for such duty, has been that the heads of departments have had more time to attend to the public business, and have only been called upon to make a final selection from among a small number, each one of whom had been shown to be among the better qualified of the many that pressed for appointments.

On the other hand, defects have been discovered in the new methods; and some inconvenience — resulting, however, only in pecuniary gain to the Government — has been experienced in filling certain places in the service in strict conformity to the rules. But none of these impediments in the way of success are of a nature which appears difficult to remove, and we believe the modifications we now propose will remove most of them.

The most serious obstacles we find to overcome in the discharge of the duties to which the President has called us, appear to originate in a misconception, on the part of many honest people, of the theory and object of civil service reform, and in the prejudice and interested opposition it may be made to encounter through the selfish exertions of those who arraign the motives of the Executive, and attack the reform itself, in the interest of mere personal ambition or party aggrandizement.

We are far from intending to suggest that opposition is confined to those governed by interested or unpatriotic motives; for we by no means believe such to be the fact.

But while no man's opinion upon the merits of the attempt to improve our civil service should be regarded as any just test of his honesty or of his regard for the public welfare, it is yet plain that political opposition and personal interests may attempt to promote their common ends by the easy method of attacking the sincerity and predicting the failure of the attempt itself. We are convinced that the success of civil service reform is to be decided by the intelligent fidelity with which its friends shall present its true methods to the popular judgment. When presented within their true sphere, as a method and an agency through which the appointing power, without invading the proper functions and influence of parties under republican institutions, shall be most effectually aided in

selecting for official places and in promoting those whose characters, abilities, and attainments best qualify them to serve the people, we are convinced that fair public examinations to test such qualifications will receive the permanent support of the people, as against any method of mere personal solicitation or partisan influence for securing office. From all such tests, of course, there should be excepted, as the rules now provide, the President, the heads of departments, and all those high officers who really represent that policy of a party and those principles of a campaign which the people have approved; but by no means should there be excepted those officers and clerks whose tasks should be performed in the same non-partisan, clerical, and faithful manner, whatever principles may guide and whatever party-leaders may control the Administration.

It has been our aim to recognize the right which requires that a victorious party should be able to name the officers so far down the official scale as their principles may justly be involved in fair and honest administration, at the same time that we have resisted that pernicious theory which insists that every clerk in a public office, no matter how subordinate or how useful, shall mingle as a partisan in every contest, and go out as a matter of course with a retiring head of department. But the new rules we submit will show that we do not regard the question of the proper duration of the tenure of office or of clerkships, as one with which civil service reform, as now inaugurated, has any other than an indirect connection.

1. The first rule appended aims at securing to the appointing power some better evidence of the real qualifications of those, often wholly unworthy, who are importunately, and doubtless sometimes reluctantly, pressed for appointments or nominations. It is due to the people that those having the duty of nominations should insist on the best evidence of fitness; and it will certainly promote the public interests, if those reluctantly compelled to urge candidates upon the appointing power shall find some relief in a method which, at the same time, asserts the true theory of the Constitution.

2. The second rule, in substance, declares that the rules and regulations for improving the civil service are intended neither to restrict the right of removal nor to extend the tenure of office; but leave the executive responsibility, the rights of Congress, and the interests of the people, in that regard, without qualification. If the fact of more competent persons being found in office shall create a desire to retain them longer, it may be presumed no public interest will be thereby injured.

3. The third rule is intended both to mark out the path of duty before any abuse shall arise, and to remove a false and mischievous impression known to exist in the public mind, by declaring that the members of the Civil Service Commission, and of the Boards of Examiners, have nothing to do with procuring nominations, with aiding promotions, or with adjusting political disputes; but are substantially limited to the functions

of framing proper rules and regulations and of supervising and conducting examinations directed to be held under them. And we desire to bear testimony to the ability and integrity with which the examiners have discharged their respective duties.

4. The fourth rule relates to a class of females who seek employment below the grade of the lowest class of regular clerks, and from among whom patriotism and public justice seem to require that selections shall be made, after examinations have shown the applicants to be qualified, not wholly in reference to attainments and capacity, as shown by competition between themselves, but largely in reference to their just claims upon public regard, which have arisen by reason of those on whom they were dependent having suffered or died in the public service of the nation.

5. The fifth rule seems to call for no comment.

6. The sixth rule provides a relief against the delays made unavoidable by reason of the examinations before provided for being only for vacancies which had already occurred. This rule provides for examinations in anticipation of vacancies, and will furnish those qualified persons from whom such vacancies can at all times be readily filled.

7. The seventh rule relates to the important subject of examinations in places beyond Washington. While the theory that all the offices of the government should be bestowed in geographical or arithmetical succession among the people of every portion of the Union would lead to very undesirable results, if allowed to override the considerations of moral and intellectual fitness, it is yet true that the honor of serving the nation belongs equally to all of its people, irrespective of residence. The method of party and personal promotions to offices gave an undue proportion of them to importunate men, who lingered about Washington and made politics a trade; and so long as all examinations for places in the great departments, and in the consular service, shall be confined to Washington, it will not be easy to wholly remove this abuse of the old system.

The new rule we propose on this subject will, we think, in a large measure furnish a remedy. Inadequacy of funds will, for the present, prevent examinations at so many places as the reasonable convenience of applicants require, but relief from this inconvenience rests with Congress. As each of the five districts into which the Union is divided is to be taken as a sphere of competition for the purpose of making selections for new appointments, every head of department may have the variety of qualifications afforded by fifteen eligible persons from whom such appointment may be made with due regard to the strictest competition. Each of these five districts can by our rule have at least two competitive examinations within its own borders during each year.

Should Congress see fit to moderately increase its appropriation for the civil service, examinations could be made at more places in each dis-

trict; and there can, we think, be little doubt that, in a short time, it would be the case here, as it now is in England, that such examinations would be sought by worthy young men, for the honor and the business advantages of a public recognition of the merit they would demonstrate. In that way, a public sentiment would be developed which would sternly associate every branch of the public service with a demand and recognition of that high personal worth from which it has been, in the public estimation, so unfortunately separated. It is true the Government should not conduct such examinations for mere private ends, but they can be easily limited to the public needs, if found too much resorted to. Each such examination is to be just as effective for every purpose as an examination now is, or hereafter will be, if conducted at Washington.

In providing for examinations outside of Washington, it should be observed that competitions are to be between those who are residents in the same district, without regard to where they may be actually examined, and that the examination may be allowed in any district to suit the convenience of persons desiring the examination. With the order of making appointments from residents within the several districts who have, through the test of competition, shown themselves to possess the highest merit, the Civil Service Rules in no way interfere, but leave the discretion of the appointing power in that regard unrestricted.

The great difference in the density of population manifestly rendered it impossible to even approximate the districts in point of size. Nor was it possible, even with great inconvenience of geographical arrangement, to bring the same population within each district. It was as undesirable as it is impracticable to subdivide States. Disregarding the fractions of a thousand in the several States and Territories, the whole population may be stated, in round numbers, as shown by the last census, as 38,500,000; and this would give 7,700,000 to each district. The first district has 7,870,000; the second, 8,204,000; the third, 7,906,000; the fourth, 7,295,000; the fifth, 7,284,000.

If the second district, being that in which Washington is situated, is placed at some disadvantage by being given the largest population, it should be remembered that the great departments are in that district, and they give employment to numerous persons below the grade of those officers and regular clerks to which the Civil Service Rules apply.

It was impossible under the existing appropriations to designate any place of district examinations within California or Oregon, even if such designation at this time would not, for other reasons, be premature. It is a considerable compensation that the residents of those States will hardly have any contestants for places in the custom-houses and other federal offices within their borders; and residents there can be examined in any other district. By reason of the great size of the fifth district, and of the dense population of the first district, and of the fact that there was

no one large central city in either of these districts, but were two cities in each where there might be local examining boards in existence, it was thought most convenient to have the examinations held alternately in New York and Boston for the first district, and alternately in Savannah and Memphis for the fifth district. Much the same reasons demanded two places of examination in the third district; and Cincinnati and Detroit seem to be the two most convenient places for that purpose.

It appeared, however, to be more convenient to limit the examinations to St. Louis for the fourth district until they can be extended to the Pacific States.

Under the new rules we have proposed, it will be in the power of the head of any custom-house, post-office, or of any other public office in either said district, to send any applicant for admission to a place in the civil service under him to be examined at either of these district examinations. But we have not intended, at present at least, to supersede local examining boards at such local offices, and they may perhaps be permanently necessary for examinations for local promotions. It is, however, contemplated that one member of the district boards, and possibly two, will be selected from the local board of examiners. It is intended that it shall be the duty of the chief examiner to properly supervise and to bring into uniformity the proceedings of the local examining boards.

The system of district examinations and competitions has been initiated in response to what the Commissioners have reason to regard as a general public demand, and while feeling that its merits can only be determined by actual experiment, it is yet established with entire confidence in its justice and general adaptation to the public convenience.

The Commission wish to record the opinion that the examiners generally might, with public advantage, give somewhat more weight to the evidence of practical capacity for business; and at a future session, if they find it necessary, they propose to prepare a rule, adapted to the estimate of such capacity in a just and uniform manner, without at the same time opening the door to mere political influence or personal favoritism.

We ought to bear testimony to the attention and coöperation with which the Executive and the members of the Cabinet have aided our labors; and the more we have been brought into familiarity with the practical bearings of the great principles of individual justice and national safety which must be the basis and the sanction of all true methods of improving the civil service, and the ampler our opportunities have been of measuring the allegiance which such principles command from those whom the people have placed at the head of their great affairs, the more profound is our impression of the inestimable value of the reform itself, and of the solemn obligation of all its friends to leave no means untried, during this best opportunity our generation has seen or may see, to place that reform upon a sure foundation, and to transmit it in

healthy vigor as the greatest political blessing this generation can confer upon the generations to come.

DORMAN B. EATON,
SAMUEL SHELLABARGER,
DAWSON A. WALKER,
E. B. ELLIOTT,
JOSEPH H. BLACKFAN,
DAVID C. COX.

WASHINGTON, D. C., *June 4th*, 1873.

NOTE. — The signature of Alexander G. Cattell, one of the members of the Civil Service Commission does not appear, in consequence of his absence in Europe.

FURTHER RULES PRESCRIBED BY THE PRESIDENT FOR THE GOVERNMENT OF THE CIVIL SERVICE OF THE UNITED STATES AT THE SESSION OF THE CIVIL SERVICE COMMISSION AT WASHINGTON, WHICH TERMINATED JUNE 4, 1873.

RULE 1. It being essential to the public welfare to maintain in the Executive the exercise of the power of nomination and appointment vested by the Constitution, and thereby to secure that measure of independence and separate responsibility which is contemplated by that instrument, and it being needful, in making such nominations and appointments, that the appointing power should obtain and in the proper department preserve the evidence of fitness in reference to which all such nominations and appointments should be made; therefore, recommendations concerning any nomination or appointment to office or place in the civil service cannot be considered unless made in writing, signed by the persons making them, setting forth the character of the person recommended and his qualifications for the office, in reference to which the recommendation is made; nor, when the recommendation is by a person holding an office or station in or under the Government of the United States, can such written recommendation, except when made in response to a written request by the officer making the appointment, or in the discharge of an official duty imposed by the Constitution or the laws, be considered as entitled to any greater weight than if made by such a person as a private individual. But this rule shall not apply to recommendations made by officers as to their own subordinates.

RULE 2. While it is not the purpose of the rules and regulations prescribed for the government of the civil service either to restrict the power of removal or to extend the tenure of service, such power will not be exercised arbitrarily, and therefore applications must not be entertained by any authority having the duty of nomination or appointment for the removal of any person in the civil service, nor will any person be removed, for the mere purpose of making a place for any other person.

RULE 3. To prevent any misapprehension in the public mind in regard to the functions of the members of the Civil Service Commission and

of the members of any board of examiners, it is declared not to be any part of the duty or authority of any such member to act upon, take part in, or in any way entertain any recommendation, application, or question concerning appointments or removals in respect of the civil service, otherwise than in the strict discharge of their respective duties as prescribed by the rules and regulations; and for the same purpose, it is further declared that the functions of the members of said Commission as to the matters aforesaid extend only to the question of the proper rules and regulations to be made and to supervising their application, and that the functions of the examiners, as to said matters, extend only to preparing for, conducting, rating, and making reports concerning examinations required to be made under such rules and regulations.

RULE 4. The grouping heretofore made for the Executive Departments at Washington is hereby modified by striking out the words "female clerks, copyists, and counters, at nine hundred dollars a year," these places being below the grade of clerkships of class one; and all applicants for such positions shall be examined in (1) penmanship, (2) copying, (3) elements of English grammar, chiefly orthography, and (4) fundamental rules of arithmetic, except that mere counters may be examined only in the fundamental rules of arithmetic and as to their facility in counting money; and those found competent by such examination shall be reported in the order of their excellence as eligible for appointment; and selections may be made by the appointing power, at discretion, from the list of those so reported, being at liberty to give preference to such as may be justly regarded as having the highest claims to public consideration, by reason of loss of support or of property occasioned by the death or disability of any person in the defense of the Union in war, or in any other public service of the Government. And in the notices of the examination of females to fill vacancies among those last mentioned, it shall be stated as follows: "That from among all those who shall pass a satisfactory examination, the head of the department will be at liberty to select such persons for the vacancies as may be justly regarded as having the highest claims to public consideration."

RULE 5. The notices to appear at any examinations, other than those referred to in the fourth rule of this series, so far as practicable and necessary to prevent misapprehension, shall advise female applicants, to whom they may be sent, of any limitation which the law or the necessities of the public service impose upon such applicants entering the vacancies for which the examinations are to take place.

RULE 6. That it shall be the duty of the respective boards of examiners, on the written request of heads of departments, to hold examinations in anticipation of vacancies, as well as to fill vacancies, and to prepare lists showing the results of competition, so that when any such vacancy may happen there shall be those thus shown to be eligible to nomination or appointment, from whom the proper selection shall be made

according to the provisions of the rules and regulations relating to competitive examination. And examinations upon like request shall be held in reference to vacancies to be filled under the fourth Rule of this series.

Rule 7. Applicants for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and other custodians of large sums of public money, for whose fidelity another officer has given official bonds, may be appointed at discretion: but this Rule shall not apply to any appointment to a position grouped below the grade of assistant teller.

Rule 8. In cases of defalcation or embezzlement of public money, or other emergency calling for immediate action, where the public service would be materially injured unless the vacancy is promptly filled without resorting to the methods of selection and appointment prescribed by the rules and regulations, or when a vacancy happens at a place remote and difficult of access and the methods prescribed for filling it cannot be applied without causing delay injurious to the public service, the appointment may be made at discretion; but this Rule shall not apply to any place which is provided to be filled under the rules of competitive examination.

Rule 9. For the purpose of bringing the examinations for the civil service as near to the residences of those desiring to be examined as the appropriation at the command of the President will warrant, and for the further purpose of facilitating, as far as practicable, the making of selections for such service equably from the several portions of the Union, while at the same time preserving the principle of promoting merit as tested by fair competition, it is provided as follows: —

1. That the several States and Territories are grouped into five divisions, to be designated as Civil Service Districts; the said districts to be numbered consecutively from one to five, as follows: —

I. The First District embraces the States of Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, and New York; and the examinations therein shall be held alternately at the city of New York and the city of Boston, but first at the city of New York.

II. The Second District embraces the States of New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia; and the examinations therein shall be held at Washington.

III. The Third District embraces the States of Ohio, Michigan, Indiana, Wisconsin, and Kentucky; and the examinations therein shall be held alternately at Cincinnati and Detroit, but first at Cincinnati.

IV. The fourth District embraces the States of Illinois, Missouri, Minnesota, Iowa, Kansas, Nebraska, Nevada, California, and Oregon, and also all the Territories, except New Mexico and the District of Columbia; and the examinations therein shall be held at St. Louis.

V. The Fifth District embraces the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Tennessee, together with the Territory of New Mexico; and the examinations therein shall be held alternately at the city of Savannah and the city of Memphis, but first at the city of Savannah.

2. That in each of said districts examinations for admission to the civil service, at Washington, shall be conducted as hereinafter provided; and those whose residence is within any such district at the time of filing the application for examination shall be regarded as belonging to such district in reference both to competition and to appointments; and each district shall be treated as a sphere of competition, and those so residing therein, wherever examined, shall be regarded as competing only with each other; but a person residing in any district may be allowed or notified to be examined in any other district.

3. All applications for examination for service at Washington must be addressed to the head of the department at that city which the applicant desires to enter, and be in conformity to the previous rules and regulations, so far as the same are not modified by this series; and every such application must be dated, must give the town or municipality, as well as the State or Territory, where the applicant has his legal residence, and also his post-office address.

4. Each of the heads of department will cause to be kept in permanent form a register of all such applicants for his department, to be called a "register of applicants," and will cause such applications to be preserved on file for convenient reference.

5. The provisions of the former rules and regulations in reference to the examining boards in the departments and in the other local offices in the various cities, so far as consistent herewith, are continued until otherwise ordered.

6. The President will employ or designate a suitable person to be chief examiner, whose duty it will be, subject to the supervision of the Civil Service Commission, to promote uniformity in preparing for, conducting, reporting, and grading the examinations by said boards, at Washington, and to prepare for, attend, supervise, and report the examinations herein provided to be held elsewhere than at Washington.

7. The several heads of departments must also cause to be made in permanent form, and to be preserved, a "record of persons eligible for appointment," arranging under separate headings those resident in each separate district, wherein shall be entered the names of the persons who have been examined within twelve months now last past, and who are still eligible to nomination or appointment; and to such record must, from time to time, be added the names of those persons who shall hereafter pass an examination which shall show them to be so eligible for nomination or appointment. And such "record of persons eligible for

appointment" shall be so kept, and the names therein be so classified, that all those whose residences appearing as aforesaid to be in the same districts shall be tabulated together, so as to show their relative excellence in each said district; except that the names of all those examined under the fourth rule of this series shall be separately entered upon the "record of persons eligible for appointment" for each department, so as to show where they reside.

8. That the officer having the power of making nomination or appointment may resort, for that purpose, to those so entered in the "record of persons eligible for appointment" as residing in either of said civil service districts; but (except in respect of those examined under said rule 4), the method of competition heretofore provided must be regarded as applying among those so registered as residing in any such district, and as requiring the nomination and appointment to be made from some one of the three persons graded as the highest on some one of said five several arrangements of persons so eligible.

9. At a reasonable time before any examination is to take place, each head of department will furnish the chief examiner with a list of those to be examined, and ten days before any examination is to take place in any said district, elsewhere than at Washington, notice shall be sent by mail by such chief examiner to all such applicants residing or allowed to be examined in such district, stating the time and place of such examination, and the other matters of which the rules and regulations require notice to be given.

10. For the purpose of the examinations last mentioned, the said chief examiner shall receive from the several heads of departments at Washington, and from the head of any local office which may request to have any examinations made of persons for said offices, the names of those who are to be examined at any place outside of Washington, and shall make a list of the same, showing the date of the filing of each application which he shall produce at the place of examination, and the examination shall be held of all those on such list who shall duly appear and submit thereto, provided the number be not so great, in the opinion of the examining board, as to render the examination of the whole impracticable, in which event only a reasonable number, to be selected in the order of the date of the filing of their applications, need be examined.

11. For each place outside of Washington where such examination is to be held, the President will designate persons, to be, when practicable, suitable officers of the United States, who, together with such chief examiner, or some substituted, departmental examiner from Washington, to be sent in his place when such chief examiner cannot attend, shall constitute the board for such examination, and by said persons, or a majority thereof, of whom such chief examiner or said substitute shall be one, such examination shall be held, and certified in a uniform manner; and

the time occupied by each person examined shall be noted on the examination papers. The questions to be put to those examined as applicants through the request of either head of department, or head of local office, shall be such as may be provided, and as might be put, if all such examinations were, or were to be, conducted under the rules and regulations, by the examining boards of any such department in Washington, or by any such local board.

12. The chief examiner or his substitute, shall make reports to each department and local office separately, in respect of all such persons as either said head of department or of a local office requested to be examined, and said reports, respectively, shall be accompanied by the examination papers of those so separately reported, and the board of examiners in each department or local office, shall make up and state the excellence of each person so reported as examined, and such excellence being not below the minimum grade of seventy per centum shall be duly entered in the record of persons eligible for appointment in the proper district or local office.

13. The district examinations herein provided for shall be held not more than twice in any one year, in the same district, except in Washington, where an examination may be held, in respect of each department, as frequently as the head of such department, subject to the approval of the President, may direct, and all persons so examined in Washington, wherever they may reside, shall be entered on the record of persons eligible for appointment, equally as if examined elsewhere.

14. Whenever the entry of the name of any person has been on the record of persons eligible for appointment during eighteen consecutive months, such entry shall be marked "time expired," and such name shall not again be placed thereon, except as the result of another examination.

15. Persons who may be required to be examined for any custom-house, post-office, or other local office or place of service other than Washington, may be notified by the head of such office to appear and be examined at any examination provided for under this rule; and the result of such examination shall be reported by the chief examiner, or his substitute, to the proper examining board for such office or place, or to the head of the local office, and such board shall enter the name, with the proper indication of the grade of excellence, among those who are to compete at any such place or office, and from whom selection, on the basis of competition, shall be made.

16. But where the result of any examination aforesaid shall show the excellence of any such applicant to be below the minimum grade of seventy *per centum* (on the basis of one hundred as perfect), the only entry thereof to be made in registers of the department or of local office shall be of the words "not eligible," which shall be written against the name

of such person in the register of applicants, and such applicant shall not be again examined for any department or office within six months of the date of the former examination.

17. The provisions of this rule do not apply to examinations for promotion, nor do they apply to the State Department in which examinations will be conducted under the provisions of the Executive Order of March 14, 1873.

18. Subject to the other provisions of this rule, the times of holding the examinations herein provided for in the first, third, fourth, and fifth districts, respectively, shall be fixed by the chief examiner, after consultation with the heads of departments at Washington. One examination, however, shall be held in each of the last mentioned districts prior to the first day of November next, and the chief examiner shall, on or before that date, make a report in writing to the Civil Service Commission setting forth generally the facts in regard to the examinations referred to in this rule, and appropriate suggestions for increasing their usefulness.

Rule 19. So many of the persons employed by the President under the 9th section of the act of March 3, 1871, as are referred to in the opinion of the attorney-general of the date of August 31, 1871, under the name of the Civil Service Commission, and are still in such employment, together with the successors of those who have resigned, and their successors, shall hereafter be regarded as composing, and shall be designated as, "The Civil Service Commission," and the use of the designation "Advisory Board," as referring to such persons, will be hereafter discontinued.

It will be seen by the following executive order that these rules have been approved by the Executive: —

"Washington, *August 5.*

"The Civil Service Commission, at its session at Washington, which terminated June 4, 1873, recommended certain further rules to be prescribed by the President for the government of the Civil Service of the United States. These rules, as published, are approved, and their provisions will be enforced as rapidly as proper arrangements can be made.

"(Signed) U. S. Grant.

"By the President:

"Hamilton Fish, *Secretary of State.*"

The International Penitentiary Congress of London. — On the 3d of July, 1872, the First International Prison Congress began its sessions. This occasion was noteworthy as the first consultation aiming directly at moral reform in which nations have ever united in an official way. There were delegates present, appointed by their respective governments, representing twenty different nationalities, including every European nation, except Portugal; and they met upon a common level

the representatives of various independent philanthropic institutions from different countries. It was essentially a meeting of experts. Most of the official delegates were prison officials, and nearly all the other members of the Congress were experienced in prison or reformatory management. The occasion was noteworthy, also, for the remarkable combination of theory with practical suggestion. Here were met men who had given thought, feeling, and study, to the subject of prison discipline from the philanthropist's point of view, who had adopted opinions and conceived hopes of reform which they were eager to maintain and defend; and here, also, were men of long personal experience in the actual working of various methods, and fully awake to all the difficulties to be met. When, therefore, after full and free discussion, the members of the Congress concurred in final action, their words deserve the profoundest consideration. The authority which goes with the recommendations of the Congress is something unparalleled. It is the voice of the best thought and the wisest experience of the world upon one of the most important questions of moral reform. The occasion was remarkable also for the vast amount of information gathered upon a uniform plan, and for the wide dissemination which was given to it. The representatives of each nation gave full statements of their experience and methods, and the results of this comparison, and of the discussions by which it was followed, will be carried by each to their respective governments, and will, through their personal representatives, and through the press, exert an incalculably great influence upon public opinion and action.

The accredited members of the Congress were about four hundred in number.

The sessions of the Congress continued for ten days — until July 13th. Papers were read by men of distinction and experience, and discussions held upon numerous questions of prison discipline. The topics considered were classified under three heads: *First*, Questions relating to the prisoner before conviction; *Second*, Questions relating to the prisoner during the time of punishment; and *Third*, Questions relating to the prisoner after discharge.

The prominent lessons and suggestions to be drawn from the reports and debates of the Congress, seem to be the need of more carefully trained prison officials, men having more faith in the possibility of reformations; the need of longer sentences for frequent offenders, giving time for reformatory measures to be brought into play; the need of more earnest appeal to the prisoner's moral nature, substituting hope for fear; the need of careful study of individuals, leading to a wiser adjustment of methods to special needs; the need of greater unity and stability of administration; the need of close and sympathetic watch of the discharged prisoner; and the need of earnest effort to check the operations of the men who supply the tools, the capital, and the market needed by the criminal class.

But the best expression of the results of the Congress is to be found

in the report of the International Committee at the concluding meeting, in which it endeavored "to formulate the prevalent views enunciated in the Congress, and to express the spirit of the meeting, not on matters of detail, but as to some of those leading principles which lie at the root of a sound prison discipline, and which must animate any system, whatever its nature, which is effective for the reformation of the prisoner, and the consequent repression of crime." This report met the unanimous concurrence of the Congress, and its suggestions have therefore the highest authority: —

"Recognizing as the fundamental fact that the protection of society is the object for which penal codes exist, and the treatment of criminals is devised, the committee believes that this protection is not only consistent with, but absolutely demands, the enunciation of the principle that the moral regeneration of the prisoner should be a primary aim of prison discipline. To attain this aim, hope must always be a more powerful agent than fear; and hope should, therefore, be constantly sustained in the minds of prisoners by a system of rewards for good conduct and industry, whether in the shape of a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, or an enlargement of privilege. A progressive classification of prisoners should, in the opinion of the committee, be adopted in all prisons.

"In the treatment of prisoners, all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished; and the penalties for prison offenses should, so far as possible, be the diminution of ordinary comforts, the forfeiture of some privilege or of a part of the progress made towards liberation. Moral forces and motives should, in fact, be relied on, so far as is consistent with the due maintenance of discipline; and physical force should be employed only in the last extremity. But in saying this, the committee is not advocating unsuitable indulgence, which it believes to be as pernicious as undue severity. The true principle is to place the prisoner, who must be taught that he has sinned against society, and owes reparation, in a position of stern adversity, from which he must work his own way out by his own exertions. To impel a prisoner to this self-exertion should be the aim of a system of prison discipline, which can never be truly reformatory, unless it succeeds in gaining the will of the convict. Prisoners do not cease to be men when they enter the prison walls, and they are still swayed by human motives and interests. They must, therefore, be dealt with as men; that is, as beings who possess moral and spiritual impulses, as well as bodily wants.

"Of all reformatory agencies, religion is first in importance, because it is the most powerful in its action upon the human heart and life. Education has also a vital effect on moral improvement, and should constitute an integral part of any prison system. Steady, active, and useful labor is the basis of a sound discipline, and at once the means and test of reformation. Work, education, and religion are consequently the three great forces on which prison administrators should rely. But to carry out these principles, individualization becomes essential; prisoners, like other men, must be treated personally, and with a view to the peculiar circumstances and mental organization of each. The committee need not say that to carry out such views prison officers are required who believe in the capacity of prisoners for reformation, and enter heartily into that work. They should, as far as possible, receive a special

training for their duties, and should be organized in such a gradation of rank, responsibility, and emolument, as may retain experience and efficiency in the service, and lead to the promotion of the most deserving.

"But if a sound system of prison discipline be desirable, it is no less expedient that the prisoner on his discharge should be systematically aided to obtain employment, and to return permanently to the ranks of honest and productive industry. For this purpose a more comprehensive system than has yet been brought to bear seems to be desirable.

"Nor can the committee omit to say that it is in the field of preventive agencies, such as general education, the establishment of industrial and ragged schools, and of other institutions designed to save children not yet criminal, but in danger of becoming so, that the battle against crime is in a great degree to be won. In this, as in the general question of the reclamation of the guilty and erring, the influence of women devoted to such work is of the highest importance; and the committee rejoices that this Congress has had the advantage of the presence and counsel of many ladies whose practical acquaintance with prisons and reformatories has given weight to their words, and whose example furnishes hope for the future.

"Lastly, the committee is convinced that the systems of criminal statistics now in force stand in urgent need of revision. Greater uniformity should be secured, and means taken to insure a higher standard of accuracy and trustworthiness in this branch of the statistics of different countries."

At the close of the meetings of the Congress, a permanent International Penitentiary Commission was created, with the special object of preparing formulas for the collection of statistics and securing their adoption and use in all countries. This commission is composed of the following gentlemen: Dr. Wines, of the United States, Chairman; M. Beltrain Scalia, of Italy, Secretary; M. Loyson, of France; Baron von Holtzendorff, of Germany; Count Sallohob, of Russia; G. W. Hastings, Esq., of England; Dr. Frey, of Austria; M. Stevens, of Belgium; M. Pols, of Netherlands; Dr. Guillaume, of Switzerland.

The report submitted by Dr. Wines to the President, contains a vast amount of valuable information. The statements of the representatives of different nations have been carefully classified and digested by him, and the results of his own personal observations in various countries are added. It was through his influence that the United States government took the initiative in the formation of the Congress, and to his energy and good judgment that the success of it was in great part due.

E. C. G.

The National Prison Association of the United States of America. — This body, now some three years in operation, so largely instrumental, through its Secretary, in the formation and success of the International Congress, makes the following statement of its organization and purposes: —

NATIONAL PRISON ASSOCIATION OF THE UNITED STATES OF AMERICA.

*President*, — Hon. Horatio Seymour.

*Vice Presidents*, — Hon. James G. Blaine, Hon. Daniel Haines, Hon. Conrad Baker, Gen. Amos Pillsbury, H. W. Bellows, D. D.

*Treasurer*, — Salem H. Wales, Esq., 520 Fifth Avenue.

*Secretary*, — E. C. Wines, D. D., LL. D., 194 Broadway.

*Board of Directors*, — Wm. H. Aspinwall, James Brown, John Taylor Johnston, John E. Williams, Hon. Theo. W. Dwight, A. R. Wetmore, M. K. Jesup, Rev. C. L. Brace, O. S. Strong, John E. Develin, Esq., of New York; F. B. Sanborn, B. K. Pierce, D. D., of Massachusetts; Samuel Allinson, of New Jersey; Z. R. Brockway, of Michigan; C. F. Coffin, of Indiana; G. S. Griffith, of Maryland; Dr. E. W. Hatch, of Connecticut; Hon. R. B. Hayes, of Ohio; Dr. A. J. Ourt, of Pennsylvania; Hon. L. Stanford, of California; Hon. G. Wm. Welker, of North Carolina; Hon. R. K. White, of Kentucky; and the officers, *ex officio*.

Dear Sir, — The National Prison Association of the United States has organized a vast work, which promises the most auspicious results for the whole country, and in which it asks the coöperation of all the friends of public order, peace, and happiness. It has one aim, — the repression of crime and criminals, — which it seeks through reforms in the criminal law, reforms in prison discipline, and reforms in the principles and modes of dealing with discharged convicts.

It is often charged against the friends of prison reform that they are actuated by a morbid sympathy with criminals. We disclaim, in the outset, any such sentiment. On the contrary, there is nothing we desire more heartily, or will seek more persistently, than such criminal legislation as will render more swift and certain the detection and punishment of those who violate the laws. What we earnestly desire to see, and hope to do something towards bringing about, is: Few chances of escape to the criminal, short careers for him out of prison, and a reduction of the profits of crime below those of honest labor. To leave the chances of escape widely open, the careers long, and the profits large, while relying mainly on prisons and punitive agencies to check crime, is much like seeking to cure marsh fevers, and leaving the marshes undrained. The whole mass of habitual depredation exists through the defects of repressive legislation, and especially through the want of a properly organized, prompt, and systematic pursuit of the criminal by an honest and effective police force. What is wanted, and what the National Association will seek to secure, in this department of repressive justice, is: To render it difficult and laborious to the thief to get at property; difficult and laborious for him to convert it; difficult and laborious to escape detection. This would bring crime down to a minimum, so far as its commission depends on habitual transgressors.

But there is another department of preventive work more important, as well as more hopeful, than this. We refer to that which aims to save from an actual plunge into crime the multitudes of children in the land, who, from the circumstances of their birth and early surroundings, are in imminent peril of being led astray. Here is a wide and promising field, hitherto but little worked, at least in our country. It will be the business of the Association to study, and, if possible, to secure the application of the best agencies to accomplish this end.

Then there is the work of reforming and saving those children and youths who have yielded to temptation, and have actually fallen into crime. This is done, among us, through a class of institutions called Houses of Refuge or Reform Schools. But these are wholly wanting in nearly half the States of our Union; in many others their agency is employed only to a limited extent; while in none has it either the extent or the efficiency which might and ought to be given to it. The Association proposes to use its best endeavors to secure the establishment of juvenile reformatories in States where they do not exist, and their increase everywhere.

Both the agencies named above are important, but we regard the first as most efficacious in diminishing crime. A fact was brought out in the late International Penitentiary Congress of London, which strikingly shows the correctness of this view. The number of reformatories in England, that is, of institutions into which criminal children are received, has remained at precisely the same figure for the last ten years, namely, sixty-five, while that of industrial schools, into which are received only those who are in danger of becoming criminal, has more than doubled within the same period, increasing from forty-five to ninety-five, besides which there have been established a number of voluntary homes and refuges for the same class as are treated in the industrial schools. This shows that preventive institutions diminish, if they do not do away with, the necessity of reformatories; and it also clearly shows a most important channel into which the labors of the Society should be directed.

But it is not likely that crime can ever be wholly prevented, or that criminals will ever cease to be convicted and imprisoned. The question arises, What treatment shall they receive while shut up within prison walls? Hitherto, no general, and still less universal, well-concerted, systematic, earnest, and persistent effort has been made in any country to reform them, and to restore them to society fitted and disposed to quit a life of crime and enter upon a career of honest industry. A few well-considered experiments of this kind have been tried, which have been attended with remarkable success; those, for example, of Maconochie in Norfolk Island, of Montesinos in Spain, of Obermaier in Germany, and of Crotton in Ireland. The labors of the National Association will be directed to the endeavor to impress a reformatory character upon the prison discipline of the country; a work in which, from indications received from all quarters, we anticipate a general and cordial cooperation of prison authorities throughout the country. Nor do we hesitate to avow the belief that, when the effort to reform criminals shall have become universal, sincere, and earnest, and when such reform shall be sought by fit agencies, the results will be favorable to a degree not anticipated even by the most sanguine.

Still another department of the work of the Association will be to devise, and seek to have carried into effect, wherever it may be practicable, the best and most effective means of saving liberated prisoners from a return to crime; a most important work, and the essential complement of every good, and especially every reformatory, system of prison discipline.

Is the National Prison Association able to offer any guaranty of its power to accomplish, or at least to promote, the reforms indicated in the preceding paragraph? We think it is. Regarding it as dating, not from its formal organization, but from its real point of departure, — the Congress of Cincinnati, in 1870, — it numbers as yet scarcely three years of existence. Nevertheless,

it has made itself felt in every part of this country, and even to the extremities of the earth. Its influence is already coextensive with the civilized world. The Congress of Cincinnati, the Congress of London, and the Congress of Baltimore, with their actual and prospective results, are the proof. The last named of these conventions, made up of representatives from nearly every State of the Union, and some of its Territories, furnished abundant evidence of the wide and deep interest which has been awakened in these questions, and of the determination, everywhere entertained, to push the work of reform quite as fast as wisdom would dictate. Kentucky, Tennessee, Mississippi, Texas, Missouri, California, Oregon, Nebraska, and Michigan, all speak the same language. Means were taken at Baltimore to form committees of correspondence, to be composed of men and women pledged to work, whose duty it shall be to look after the interests of prison discipline and prison reform in their respective States and Territories.

The ameliorations proposed to be sought are: To eliminate partisan politics, as a controlling element, from our prison systems; to make the administration of our prisons permanent in the hands of competent officers; to make the reformation of criminals a leading aim of prison discipline; to organize, in such manner as to make thorough and efficient, the work of saving discharged prisoners; to multiply preventive agencies, both in the form of industrial and reformatory schools, and in that of police organizations, devised in the special view of making the commission of crime more difficult, its detection more certain, and its punishment more prompt; to enlighten and invigorate public opinion on these questions, so as to make it act effectively in the direction of needed reforms; to collect the most complete criminal, penitentiary, and reformatory statistics attainable in all the States and Territories of the Union; and to publish and circulate annually the fullest and most trustworthy statistical and other information which the Association can gather through its Committees of Correspondence, by personal visitation and inspection of penal and reformatory institutions, and by a careful study of the annual reports of such institutions, and the annual messages of the Executives of the several States.

It is obvious that the work, thus sketched, is one as wide in its reach as it is beneficent in its aims; and that its accomplishment can be looked for only through an immense amount of labor and no inconsiderable expenditure of money. It is to ask your coöperation in this work that the Association ventures to address to you the present communication. An annual contribution of ten dollars constitutes a person a member of the Association; a contribution of a hundred dollars makes the donor a life member; and a contribution of two hundred dollars a life director. To do its work well and efficiently, the Association, in addition to its Secretary, needs a corps of assistants to collect, examine, digest, and tabulate reports, and to attend to the manifold business which a thorough and persistent inspection of all our prisons and reformatories, and the other labors indicated above, would throw upon its hands. Twenty thousand dollars a year is the least sum adequate to the support of a bureau such as the National Prison Association contemplates. The Association is at present but the skeleton of what it aims and hopes to become. It can be clothed and assume the functions of a complete and vigorous manhood only through the generous support of enlightened and public-spirited citizens, who, blessed with pecuniary means, have also a corresponding sense of social responsibility.

Each member of the Association is entitled to a copy of the Annual Report. "The Complete Works of Edward Livingston on Criminal Jurisprudence, consisting of Codes of Penal Law for Louisiana and for the United States, with Introductory Reports to the same," in two thick royal octavo volumes, will also be presented to every person who becomes a member of the Association by subscribing ten dollars or more to its funds. This great work of one of the great legal lights of the world has been published by the Society with money generously proffered for this express purpose.

By order of the Board of Directors:

HORATIO SEYMOUR, *President.*

E. C. WINES, *Secretary.*

Dated at the office of the National Prison Association, 194 Broadway, New York, March, 1873.

Special attention is asked to the following paper, signed by a number of distinguished gentlemen: —

The foregoing circular of the National Prison Association shows that it is already taking the lead in organizing the public opinion of the world on the penitentiary question. But while this is gratifying to the pride and self-esteem of Americans, it must be confessed that our home work in prison reform is far from being either as well organized or as effective as it should be. Our national civilization, and especially our moral and religious life as embodied in it, do not find adequate expression in our penitentiary establishments. The National Prison Association has, it appears, charged itself with the labor of changing this state of things. It proposes to keep up a perpetual study of the condition of American prisons; to spread before the public both their excellences and defects; to arouse, by public meetings and through the press, a general interest on the question, and to instruct and strengthen public opinion till the needed reforms, both legislative and administrative, shall have been accomplished. Nothing, however, in such an undertaking, can be done without money; and the undersigned, in giving their personal approval to the objects and labors of the Association, commend it to the generous support of enlightened and humane citizens in every part of the country.

SALMON P. CHASE, Chief Justice of the United States.
JAMES MCCOSH, D. D., LL. D., President College of New Jersey.
THEODORE D. WOOLSEY, D. D., LL. D., ex-President of Yale College.
JOHN A. DIX, Governor of New York.
EDWARD F. NOYES, Governor of Ohio.
JOEL PARKER, Governor of New Jersey.
SIDNEY PERHAM, Governor of Maine.
HORATIO POTTER, D. D., Bishop Diocese of New York.
MORGAN DIX, D. D., Rector Trinity Church, New York.
E. S. JANES, D. D., Bishop M. E. Church, New York.
HOWARD CROSBY, D. D., Chancellor University of New York.
WILLIAM ADAMS, D. D., New York.
H. W. BELLOWS, D. D., "
WM. R. WILLIAMS, D. D., "
WM. M. PAXTON, D. D., "
J. O. MURRAY, D. D., "
GEO. L. PRENTISS, D. D., "

Charles O'Conor, Esq., New York.
A. A. Low, "
Wm. E. Dodge, "
Peter Cooper, "
Wm. C. Bryant, "
Jackson S. Shultz, "
Jonathan Sturges, "

Under the auspices of this Association, a National Prison Reform Congress was held at Baltimore, January 21–24, 1873, which was largely attended, and afforded much important information and many valuable suggestions. E. C. G.

A Separate Prison for Women. — At the earnest solicitation of the Commissioners of Prisons of the State of Massachusetts, the subject of a separate prison for women was brought prominently before the legislature and the public during the last winter. Meetings were held in Boston under the auspices of the American Social Science Association, and able statements made and thorough discussions had before legislative committees. But although a strong sentiment in favor of the movement was developed, the action of the legislature was adverse.

There seems to be an apathy in the public mind in regard to this most imperative need, and it is felt that the first step to be taken is to awaken general attention and enlighten public opinion upon the subject. A league has therefore been formed, the object and plan of which is set forth in the following statement: — E. C. G.

### A LEAGUE FOR THE ESTABLISHMENT OF A SEPARATE PRISON FOR WOMEN.

A few years ago the only object in the confinement in prison of persons convicted of crime was *punishment*. The possibility of their reformation was hardly recognized. They received, consequently, not only no moral or useful training, but the influences to which they were subjected in confinement tended still more to confirm them in their evil courses. As a rule, a person once committed to prison was almost certain to return to it more hardened than ever. The attempts for the reformation of this unfortunate class, begun on a limited scale and with many doubts, have now proceeded so far as to prove beyond all controversy that their reformation is possible, and further, that judicious treatment of prisoners, guided by true Christian love, is not only an obligation resting on those in charge of them, but also is sure to be followed by beneficial results. They have proved more — that a system of prison discipline that aims at the reformation of the offender, is by far the most economical, in a pecuniary point of view, for society and the state, in relieving them of those who, but for their reformation, would be a constantly recurring charge.

The course of treatment, which while it punishes seeks to reform, requires material modifications of the system now in use in this State. One of the most important of these is the establishment of *separate prisons for women*. At the

present time there are, scattered throughout its jails and houses of correction, about three hundred and twenty-five female prisoners; in Bridgewater and the House of Industry, four hundred and twenty-five more; making seven hundred and fifty in all. These women are now without secular or adequate religious instruction. They are not trained so as to be able to support themselves in a reputable calling on leaving their prisons. They are, as a rule, under the control of male keepers by day and by night. They are not separated from the male prisoners so that communication is impossible. It too often happens that those who now have charge of them have no faith in the possibility of their reformation, and therefore have no inducement to make any efforts to that end.

From the facts stated, it must be obvious to every one that any adequate system of reform must provide for the collection and classification of female prisoners; so that a young girl, who has taken through accident, inadvertence, or thoughtlessness, but one step in the downward path, from which she may easily be reclaimed by judicious training and proper associations, should not be left in the company of those who for years have been hardened in crime. Left to such associates, whom she now is certain to find in prison, it is almost inevitable that she should become tainted by their contact or example. To carry out this classification so as to secure the best possible results both in the reform of the prisoners and in the remuneration realized from their labors, they must be placed under the control of competent, conscientious, and painstaking keepers of their own sex.

To secure such a result, called for alike by the dictates of humanity and Christian charity, as well as by considerations of pecuniary advantage, there has been formed a *league;* and those who join it pledge themselves to continue their work till it is crowned with full success.

No other condition is imposed than earnest coöperation in our work. A contribution, however, of twenty-five cents is solicited to defray expenses of printing and postage.

We, the undersigned, approving of a separate prison for female convicts, unite ourselves in a league for the more speedy establishment of such a prison in this commonwealth.

Boston, *July*, 1873.

Mrs. H. V. Poor, Brookline, *Secretary.*
Mrs. C. W. Dexter, Hotel Kempton, Boston, *Treasurer.*
(Please sign the accompanying pledge and return to the Secretary.)

Miss Carpenter's Visit to America. — The cause of education and reform has been greatly strengthened during the opening months of the year by the presence of Miss Mary Carpenter, whose name is honored wherever there are any who seek to better the condition of their fellows. Several meetings were held in Boston and elsewhere that her views might be heard upon the education of women in India, upon the best methods of prison discipline, and upon juvenile reform. The impression of her teaching and example will be long felt and will tend to the noblest issues. E. C. G.

At the request of Dr. Wines, Miss Carpenter prepared a small book containing a description of "Reformatory Prison Discipline as developed

by the Right Honorable Sir Walter Crofton, in the Irish Convict Prisons," for the use of the Congress in London. By the liberality of Mrs. Hemenway of Boston, this Association has been able to distribute a large number of copies of this valuable book throughout the United States. Copies of it, and of the report in full of the transactions of the Congress, are in our library, and at the service of members and all persons interested in the subject. J. M. B.

Report on the Drainage Question in Berlin, by Rudolf Virchow.[1] — Of the above most important addition to Sanitary Science we can give only a very brief abstract.

Of the two principal modes of cleansing and draining large cities, namely, the sewer system, and the "tub and pail system," the preference is given to the former, on account of the practical difficulties in the way of carrying out the latter. Both methods, must, however, be employed; it is a practical absurdity to carry off by sewers the solid and liquid excremental matters, the soil-water, the surface drainage, and the refuse, both solid and liquid, of manufacturing establishments. The use of cess-pools is entirely disapproved, and should be abandoned. Drains ought to be constructed at a certain depth below the surface, for the purpose of carrying off the soil-water whenever it reaches a given height. The main drains may consist of masonry or of glazed earthen pipes, with branch drains of unglazed pottery.

Foul water ought not to be discharged into flowing streams. It is well known that very successful experiments have been conducted near Paris, London, and Berlin, by which considerable tracts of barren, sandy soil have been redeemed by irrigating with the liquid, not the solid, sewage of these cities. In regard to Berlin it is stated that the process is advantageous in every way; it does not pollute the air, does not contaminate the soil-water, and is commercially profitable besides.

None of the methods tried for disinfecting the sewage and the dry-closets has been found adapted for general use in large cities; and it may be stated that at present there exists none which can be considered as generally practicable from the sanitary, financial, and economical points of view.

The pneumatic system of Liernus is not accepted; and in regard to the "tub and pail system," statistics are given showing its unfavorable results in Manchester as compared with those of the sewer-system of London.

Great attention has been paid by the Commission to the study of the soil of Berlin, its temperature, the fluctuations in the temperature and height of the soil-water, the height of the Spree, the amount of rain-fall,

[1] *Reinigung und Entwasserung Berlins-Generalbericht über die Arbeiten der städtischen gewischten Deputation für die Untersuchung der auf die Canalisation und Abfuhr bizüglichen Fragen, erstattit von R. Virchow, Mitglied der Stadtverordnetm-Versamenlung, mit Tafeln und Tabillen.* Berlin, 1873.

the chemical composition of the Spree, and the geological structure of the soil. In short, the manner in which the work has been executed, evinces an extraordinary degree of intelligence and perseverance, such as we had reason to expect from a work supervised by the distinguished gentleman whose name heads the report.

The Commercial Bureau of Statistics has furnished the material for important statements in regard to the mortality of Berlin for the last seventeen years. It is found that the ratio of deaths to population is increasing, and that this increase affects infants especially. The percentage of deaths from infectious diseases has risen considerably; in the seven years from 1854 to 1861 it was 21.15 per hundred; in the ten years from 1862 to 1871, 29.85 per hundred. Deaths from consumption remain in nearly the same proportion as heretofore. Typhoid fever increases as the level of the soil-water falls, and *vice versa*. "Dry years are typhoid years." The season of maximum mortality is the summer, when the soil-water stands lowest. In other parts of Europe, the period of greatest mortality is usually the spring and the close of winter. In regard to the influence of the houses upon health, it is stated that of every thousand persons inhabiting cellars, 25.3 die annually; of those living in basements, 22.0; in the first floor, 21.6; second, 21.8; third, 22.6; fourth and above, 28.2. D. F. L.

An American University. — In the fourth number of our journal some information was given relative to the movement for the establishment of a National University. The subject of university education in this country is one of primary importance. So close is the connection between all grades of education, that it is not too much to say that the future value of our system of public instruction, down to the humblest primary school, will depend upon the character that we now give to our universities strictly so called. It will be the object of the American Social Science Association to do all it can to contribute to a sound public opinion upon the principles involved in this question, and to publish in our journals any valuable suggestions for and against any proposed movements in relation to it. The movement in question is one of them.

At the late meeting of the National Educational Association held at Elmira, New York, President Eliot of Harvard presented a report upon it which was published in the "Boston Daily Advertiser," and other newspapers.

By the permission of President Eliot we print a copy in full of that report.

REPORT ON A NATIONAL UNIVERSITY, BY CHARLES W. ELIOT, READ AUGUST 5, 1873.

This report has three parts, — first, an account of what this Association has done about a national university since 1869; secondly, an examina-

tion of two bills on the subject which were brought before Congress in 1872, and lastly, a discussion of the true policy of our government upon this matter.

At the conclusion of an address on "the Progress of University Education," delivered by Dr. John W. Hoyt, of Wisconsin, before the National Teachers' Association at Trenton, New Jersey, on the 20th of August, 1869, the following resolution was unanimously adopted: —

"*Resolved*, That, in the opinion of this Association, a great American university is a leading want of American education, and that, in order to contribute to the early establishment of such an institution, the president of this Association, acting in concert with the president of the National Superintendents' Association, is hereby requested to appoint a committee consisting of one member from each of the States, and of which Dr. J. W. Hoyt of Wisconsin shall be chairman, to take the whole matter into consideration, and to make such report thereon, at the next annual convention of said Association, as shall seem to be demanded by the interests of the country."

This committee was duly appointed, but did nothing whatever during the year 1869–70. Nevertheless, the chairman, acting in the name of the committee, presented at the Cleveland meeting, in August, 1870, what was called "a preliminary report," and asked that the committee might have more time. This preliminary report describes in elevated language the "leading offices of a true university," compares our existing institutions with European universities, paints a glowing picture of the future of the United States, sets forth with enthusiasm what a great university would do for the country, avoids all embarrassing details, leaves the precise character of the institution, its location, its constitution and mode of government quite undefined, and assumes only this — that there should be one great central institution, and that for the founding and endowing thereof the private citizen, the State, and the general government must unite. It passed by all matters likely to suggest objections, and called for no specific action whatever on the part of the Association; the chairman alone was responsible for it, and it bore only his signature. Of course the report was accepted and the request for more time was granted.

At the St. Louis meeting of the National Educational Association, in August, 1871, Dr. Hoyt and a minority of the committee appointed in 1869 presented a second report. This report again avoids all details of what the proposed institution should be and where it should be, but says in general terms that it should be comprehensive, high, free, rich, untrammeled by considerations of section, party, or creed, and so coördinated with the other institutions of the country as in no way to conflict with them. Further, this second report defines in some measure what the preliminary report vaguely spoke of as the necessary coöperation of the citizen, the State, and the general government. It appears in the second report that "the original endowment . . . . will need to be furnished by the government, and Congress must therefore determine the general

terms and conditions upon which the institution shall be administered;" that "proper authorities in the several States may have a voice in its management," and that "individual citizens and associations of citizens should be cordially invited to endow such departments . . . . as shall most enlist their sympathies." The report then presents some arguments in favor of the right of Congress to endow a university, and says that the idea of a national university "is in perfect harmony with the policy and practice of the government," and that "it remains but to determine the means best calculated to secure the adoption of the most judicious plan for the institution, and to insure the congressional and other aid necessary to the full success of the enterprise." Thereupon the committee recommend that "there be raised a new and permanent committee of less numbers than the present — say fifteen —. . . . to be known as the National University Committee," "that a quite limited number of members thereof should be a quorum for the transaction of business at any regularly called meeting, and that a majority shall have power to supply . . . . vacancies . . . ." The concluding sentence of the report is as follows: "A committee of this character would be able, in the first place, to concentrate the best thought of the country upon the various important questions involved in the perfection of a plan for the institution; and, secondly, to marshal the strength of the country in systematic and effective support of the measure, when at last formally brought to the attention of Congress." This report was signed by a little less than half of the members of the original committee. The report was accepted, and the proposed permanent committee of fifteen was appointed. I do not find that the number of members of this committee which should constitute a quorum was fixed by the Association. By taking this action at the St. Louis meeting, the Association showed that it entertained the idea of a single dominant university for the country, and contemplated, without disapprobation, the establishment thereof by the general government, and through its committee the Association undertook — first, to prepare a plan for such an institution, and, secondly, to urge the plan, when prepared, upon Congress.

The permanent committee appointed in August, 1871, under these circumstances had serious work to do and grave responsibilities to bear. What has it done? The members were all very busy men, and they were scattered over the country from Massachusetts to Oregon and from Minnesota to Louisiana. Several of them were appointed without their knowledge and consent. The natural consequences have followed. There has never been a meeting of the committee competent to transact business. Nine of the gentlemen whose names were announced at St. Louis as members of this committee have informed me that they never attended a meeting of the committee; two more members never attended any meeting except a brief one in a hotel parlor at St. Louis shortly after the committee was named, a meeting which could not possibly have been

competent to transact business. Of the other four members, one is the chairman, two have been long absent from home and inaccessible to my inquiries, and one has not answered my letters. It is obvious that as a body authorized to speak and act in the name of the National Educational Association this committee has never had a moment's existence. I congratulate the Association that it is thus far free from all responsibility for whatever may have been done since August, 1871, about a national university. The permanent committee which the Association then constituted upon this subject was never organized, and no one has had any authority to speak in its name or in the name of the Association.

Notwithstanding this state of things, some not unimportant action was taken in the spring of 1872, looking to the establishment of a national university by Congress. Two bills to establish a national university were brought into the Senate, one of which was drawn by Dr. J. W. Hoyt of Wisconsin, the chairman of the committee appointed at St. Louis, and was presented at his request by Senator Sawyer of South Carolina. Of this bill, so well informed a person as General Eaton, Commissioner of Education, himself a member of the St. Louis committee, says in a letter to me, "It is the one, as I understand the facts, which was favored by the committee appointed by the National Educational Association, of which Dr. J. W. Hoyt of Madison, Wis., is chairman." There is no doubt that this was the common impression among persons who knew anything about the presentation of the bill brought in by Senator Sawyer on the 20th of May, 1872. It behooves the Association to understand how this impression was produced, and what grounds there were for such an opinion. Dr. Hoyt has been for the past four years chairman of a committee on a national university, appointed by the National Educational Association, and the action of the Association in 1871 made him chairman of a permanent committee, although the committee has never met. In that capacity he wrote letters in the winter of 1871–72, to a large number of persons interested in education, asking their opinions and advice about a national university, and inclosing a draft of a bill to establish such an institution. These letters undoubtedly got more attention from the persons addressed because, in many cases at least, they were written on the paper of the Bureau of Education at Washington, and were sent out from that office with envelopes for the free transmission of the replies back to the Bureau. Dr. Hoyt has also talked in the course of the last four years with a considerable number of persons professionally concerned with education upon the subject of a national university, and has received from them a mass of suggestions and opinions in great variety. Among the persons so consulted by him, either orally or in writing, were most of the members of the committee named at St. Louis. Three or four of the committee felt a real interest in the subject and devoted some attention to it, but they never had the advantage of common consultation, and all their suggestions were filtered through the mind of the chairman.

The bill brought into the Senate by Senator Sawyer, was therefore the work of a private citizen, having a certain indorsement from this Association, who consulted such persons as he thought best to consult, and took as much of their advice as he liked. It was in no proper sense the work of this Association or of any committee thereof. The impression that it was favored by a committee of this Association has only this warrant, that parts of it commended themselves to certain gentlemen who were named in 1871 on a committee which was never organized, and who therefore had only their individual opinions to express. I have been thus particular in describing what has taken place in regard to the project for a national university which was started in this Association in 1869, because, as I examined the matter, I thought that partly through easy good nature, and partly through that haste in the transaction of business which is almost unavoidable in such a large assemblage as this, coming together for two or three days once a year, the Association had run a serious risk of being placed in a false position before the public upon a subject of much importance to American education. It has seemed to me that the Association would do well to be cautious about constituting permanent committees, and about passing general declaratory resolutions, particularly if the resolutions convey a recommendation to some superior power, as to Congress, a State legislature, or the public at large.

I now pass to the second part of my subject, — an examination of the two bills to establish a national university, which were presented in the Senate in the spring of 1872. These two bills are tentative plans for creating a crowning university, richer, better, and more comprehensive than any existing institution, and under the patronage of the general government. They are the work of private individuals only, and nothing has thus far come of them ; but they are before the country as having been read twice and referred to the committee on education and labor in the Senate of the United States. In the bill presented by Senator Howe of Wisconsin, March 25, 1872, the different faculties of the proposed university are all specified to the number of ten, and the professorships in each faculty are designated in detail, except in the faculties of military science and naval science. The same authority which establishes a faculty or a professorship can of course abolish either at any moment, and so get rid of unpopular incumbents. The president of the university is to be appointed by the President of the United States, with the consent of the Senate. The heads of the ten faculties are to be appointed by the president of the university, with the consent of the Senate of the United States. The president and the heads of faculties constitute an executive senate of the university. Professors are to be appointed and may be removed by this university senate, and private teachers are to be licensed by the same body. The president is to have the same salary as the Chief Justice of the United States, and the heads of

faculties are to have the salary of a judge of the district court of the United States. These places are desirable so far as pay, patronage, and conspicuousness go; they would be desired by a great number of incompetent people; the more so because these eleven officers would never be brought, like a professor, to any public test of their capacity. There is no reason whatever to suppose that the appointments would be made on any better method than that which now prevails in United States custom-houses and post-offices. We are disgracefully habituated to custom-house "rings," and post-office "rings;" last winter the newspapers talked much of an agricultural college "ring." The spectacle of a national university "ring" would be even less edifying. There is, indeed, in the bill a futile attempt to make the tenure of office of the president of the university the same as that of the judges of the Supreme Court of the United States. The Supreme Court, however, was not established by Congress, but by the Constitution, and the judges of that court are consequently out of the reach of Congress; the president of a university established by act of Congress would not be. The bill gives no security whatever that all the appointments in the university would not be of the nature of political appointments. This is a fatal defect in any congressional bill to establish a university, so long as the principles of appointment to United States offices and the tenure of those offices remain what they now are. The only tenure of office which is fit for a teacher is the tenure during good behavior and competency; and this is the only tenure which will secure the services of competent professors in colleges and universities. The frequency of the elections of teachers is a very bad feature in our public school system. Permanence of tenure is necessary to make the position of a teacher one of dignity and independence. Young men of vigor and capacity will not enter a profession which offers no money prizes, unless they are induced by its stability and peacefulness, and by the social consideration which attaches to it. The system which prevails in most of our large cities and towns, of electing the teachers in the public schools at least as often as once a year, is inconsistent with this dignity, peacefulness, and consideration, unless a firmly established custom of reëlecting incumbents converts the constantly recurring elections into mere formalities. We must all bitterly deplore the mortifying fact that for more than a generation neither dignity, peacefulness, nor social consideration has attached to any appointment in the civil service of the United States. The man appointed has sometimes adorned his office, but the office has never adorned the man. Until the service of the United States becomes, through a complete reform, at least as respectable and secure as the service of a bank, an insurance company, a manufacturing corporation, or a railroad company, not to speak of college and academy corporations, Congress cannot establish a university which will command the respect of educated Americans or win the confidence of the country, unless the appointing power for the

university is made absolutely independent of all political influence. So far from doing this, the bill before us provides no effectual barrier whatever against political appointments. In several sections of the bill there is a provision that for certain appointments certain specified classes of persons shall "receive the preference," — a provision of no binding or effective force whatever. There is only one really efficient provision of this character in the bill presented by Senator Howe, and that one might reasonably give serious concern to persons who live in the Territories, forts, arsenals, navy yards and light-houses of the United States. It is provided in section sixteen, that after the year 1880 graduates of the national university in medicine and surgery "shall alone be entitled to practice medicine and surgery in any territory over which the United States shall have exclusive jurisdiction."

I shall barely mention some of the minor faults of Senator Howe's bill. To an experienced college official, the following description of the qualifications for admission to the university seems absurdly vague, "a good moral character and such intellectual attainments as are indicated by graduation at the colleges, universities, and best class of high schools, as established by law in the several States of the United States." With the author of this bill the four years of study which generally come between graduation at a high school and graduation at a college count for nothing at all. Universities and high schools are spoken of as equivalent institutions. There may be States in this Union in which this classification is essentially correct; but there certainly are not a few States in which it is conspicuously inexact.

The bill provides that professors shall receive salaries varying from $1,000 to $2,500 a year, and that each professor may also exact a fee of ten dollars a year from each student attending his course. Under this system the professors of popular subjects might thrive; but I fear that the professors of Oriental philosophy, scholasticism, Sclavonic languages, the Coptic language, ecclesiastical law, and similar rather remote subjects, would starve. Neither students nor teachers in this country like the fee system; it has worked well in Germany, but has never been domesticated here except in medical schools, where it has done a great deal of harm. It creates a disagreeable money relation between teacher and student, and introduces into a faculty illiberal contentions. By section eighteen of this comprehensive bill, the Military Academy is removed from West Point, and so changed as to be practically abolished. This measure seems rather too grave to be brought in as an incidental part of a bill to establish a national university.

The seventeenth section, relating to the faculty of agriculture, gives countenance to delusions which have already done much mischief in the United States, and still bid fair to cause further waste of public and private resources. The first of these delusions is the model farm. The model farm, like the model machine-shop, is almost universally a model

of nothing but misapplied labor, misdirected experimentation and unprofitable investment. It can be useful to the young agriculturalist only as a warning; it can teach him how to spend money, but not how to make money on a farm. The other mischievous delusion to which I wish to call attention is, that the labor of a young man upon a farm for four hours a day is in any sense compensation for his board, lodging, clothing, and tuition. All such arrangements are charities injudiciously disguised from the recipients. It is this disguise which makes the general method so well fitted to breed shirks. There lurks in all devices of this sort the notion that study and thinking are not physical exertions; so that after prolonged study a man may be just as fit for physical labor as if he had not worked with his brains. This is a profound mistake which has real danger for conscientious and ambitious youth; such young persons may easily be betrayed by this false opinion into disastrous over-exertion. What is called mental labor is really the most exhausting, continuous physical exertion which men can make, although the sense of fatigue from an excess of what is called brain-work is generally not so irresistible at the moment as the fatigue caused by too much hammering, hoeing, or walking. Section twenty-one of this bill provides "that the seat of the university shall be at the capital of the United States." I reserve this point for discussion in connection with the other bill to which I now invite your attention.

The important feature in the bill presented in the Senate by Senator Sawyer on the 20th of May, 1872, is the mode in which its author endeavored to provide a government for the university which would have some chance of being free from political influences; or in other words to deprive the government of the United States of all power over the university from the moment of its establishment, except, of course, the power to abolish it. By this bill the government of the university is vested in a board of regents, numbering fifty-five persons, a council of education numbering seventeen persons, a council of faculties which includes all the executive officers of the university and all professors, and a general council of the university, "composed of all members of the board of regents, council of education, council of faculties, and all graduates of the university of five years' standing." The last named body, which in the course of years would become very numerous, has only power to make recommendations to the other boards. The duties of the council of faculties are not prescribed with distinctness. The real governing bodies are the board of regents and the council of education. It is provided, "that the board of regents shall consist of one member from each State of the United States, to be appointed by the governor thereof with the advice and consent of the chief justice and the superintendent of public instruction, or other like officer of his State; five members from the country at large to be appointed by the President of the United States, with the advice and consent of the Chief Justice, commissioner of

education, and chief officer of the university, and the following members *ex-officio*, to wit, the Chief Justice of the United States, Commissioner of Education, Commissioner of Agriculture, Commissioner of Patents, Superintendent of the Coast Survey, Superintendent of the Naval Observatory, Secretary of the Smithsonian Institution, President of the National Academy of Sciences, President of the National Educational Association, President of the American Association for the Advancement of Science, President of the American Philological Association, President of the American Social Science Association, and the chief officer of the university, fifteen to be a quorum." The members representing States are to serve six years, and the members at large ten years. The specified duties of the regents are "to enact laws for the government of the university, to elect the officers thereof, to determine the general conditions of admission to the university, and to confer appropriate degrees." It is expressly declared, that "no faculty shall be organized, no chair created, no salary determined, and no professor appointed or removed without the approval of the board of regents." With so large an organization to direct, and such important powers to exercise, the board of regents would need to have several meetings a year. Two meetings a year would obviously be the least possible number. The cumbrousness and the costliness of so large a board, with its members scattered all over the country, need not be enlarged upon. It is obvious that the author of the bill did not expect the members of the board of regents to attend its meetings with much constancy, for he named a quorum which is only one more than a quarter of the number of members. To name a small quorum for a large body of trustees, regents, or directors, is to countenance that neglect of their duty on the part of the supposed managers of public and private institutions of trust, charity, or education, which has been so frequently and so grievously illustrated during the past few years. The principle upon which the board is chiefly made up is a very questionable one. Why should there be one member from each State in the governing board of a university, about which there is to be nothing sectional, sectarian, or partisan? Such a principle of local representation implies that Maine and Oregon, Minnesota and Florida, may have different interests in the institution. The different States of the Union may easily have different interests about customs, internal taxes, banking, railroads, canals, commerce, and mail routes; so that our legislative bodies are naturally formed on the principle of local representation; but there is no reason for a similar constitution of the government of the university. Philology, history, philosophy, science, and mathematics, are the same in Massachusetts and California. The professorships might as well be divided among the different States, as the places in the board of regents. Indeed, if this vicious principle were admitted in the constitution of the chief governing board, we should fully expect to see the university offices parceled

out among the different States just as political appointments now are. There are twelve *ex-officio* members of the board of regents, none of whom, in all probability, could give the smallest attention to this function of governing a university. Take, for instance, the Chief Justice of the United States, the Commissioner of Education, the Superintendent of the Coast Survey, and the Secretary of the Smithsonian Institution; each of these officials is fully occupied with the regular work of his own proper office. It is an imposition upon these gentlemen to make them devote time and thought to a matter so utterly distinct from their official employment as the management of a university; and if they are not to give time and thought to the university, the public are imposed upon by the list of *ex-officio* members of the board of regents. I know no surer way to procure an inefficient body of trustees than to constitute it in good part of officials who will probably have but a slender interest in the matter of the trust, and whose regular duties leave them little time and strength for extraneous functions involving labor and responsibility. The author of the bill doubtless perceived that the board of regents would be an unwieldy and incompetent body; he therefore contrived a sort of executive committee called the council of education. This council consists of six regents, six members of the council of faculties, and five *ex-officio* members, to wit, the chief officer of the university, Commissioner of Education, Superintendent of the Coast Survey, Superintendent of the Naval Observatory, and Secretary of the Smithsonian Institution. Of this body of seventeen members ten is a quorum. This is the working body. It is charged, in the language of the bill, "with the organization of faculties, the appointment and removal of professors and teachers, and, in general, with the educational management of the university;" but it subsequently appears that in all these things the approval of the board of regents is essential. The council of education is the board which would attend to details and prepare the business of the board of regents. It would have to meet very frequently, and as the presence of its *ex-officio* members would ordinarily be out of the question, three out of the six regents from as many different States would have to be called in to make a quorum. The resident officers and professors of the university would supply the other seven members. A board thus constituted is an untried experiment; its working would be a curious problem. The majority of its active members would be professors, who would be called upon to advise the regents about all questions of appointment, pay, rank, and promotion concerning their colleagues and themselves. The object which the author of this bill had in view in devising this elaborate arrangement of governing boards for his university was a laudable one, namely, to detach the national university from the national government, but his scheme is too novel, complicated, and unpromising to command the confidence of persons experienced in conducting educational institutions.

In singular contrast with the general tenor of this bill, the fifteenth

section gives Senators and Representatives a right to nominate candidates from their respective States or districts for scholarships which secure free tuition for five years, thereby copying the worst feature in the organization of the Military Academy at West Point and the Naval Academy at Annapolis, and giving members of Congress another excuse for neglecting their proper legislative functions to busy themselves with patronage. This very objectionable section of the bill was probably intended as a bid for the votes of the members of Congress; but it is a very small bid, for section thirteen provides, "that instruction shall at all times be as nearly free for students as is consistent with the income of the university and the best interests of learning." This is a sounding phrase capable, like not a few other phrases in this bill, of widely differing constructions, but it strongly suggests free tuition. Free tuition in a place of professional or other high education is always objectionable, because it is a perfectly indiscriminate charity; when this indiscriminate charity is to be supported by national taxation it is doubly objectionable.

Section fourteenth of the bill contains the singular provisions, that "no person shall be admitted for purposes of regular study and graduation who has not previously received the degree of bachelor of arts, or a degree of equal value, from some institution, recognized by the university authorities." Young Americans do not get the degree of bachelor of arts, on the average, before their twenty-second year. On these terms the regular students of the new university would, in my judgment, be few, except in the professional departments. This provision cannot be a serious one; it was probably intended to quiet the apprehensions of the three hundred institutions which now give the degree of bachelor of arts, and of course it can be repealed at any time.

Both the bills under discussion rely upon Congressional grants or appropriations for the maintenance of the university. Senator Howe's bill does not undertake to define the amount of the appropriations required. Senator Sawyer's bill grants twenty millions of dollars in the singular form of an unnegotiable certificate of indebtedness of the United States, bearing interest at five per cent. a year. One million of dollars a year is not a large estimate of the annual cost of the proposed university, considering the extreme wastefulness which characterizes most government expenditures. The private incorporated colleges and universities use their scanty resources with the greatest possible thrift. Their example is a wholesome one. I fear that the example of a university which had one hand in the national treasury would not be as salutary.

Both the bills plant the proposed university at Washington, a city which is the capital of the United States only in the governmental or political sense. This country has no London, no Paris, no Berlin, no Vienna, no Rome. We are fortunate that there is no single city in which all the activities of the nation, commercial, industrial, intellectual,

and governmental, centre. On the Atlantic coast are four large cities, each with a character and influence of its own; in the northwest is Chicago; on the Ohio is Cincinnati; on the Mississippi is St. Louis; on the Pacific, San Francisco. Every one of these local centres is vastly more important to the country than Washington, for Washington is a focus of neither foreign commerce nor domestic trade, neither manufactures, agriculture, nor mining, neither literature nor art. The climate of the city is not very healthy, and the presence of Congress and of the hangers-on of Congress does not make the city a better place of residence for young men at the forming period of life. There is no precedent in Europe for a single, dominant, national university endowed by government, and the only one so endowed, and situated at a national capital. London is in every possible sense the capital of Great Britain; but the chief universities of Great Britain are not in London. Berlin is the seat of a Prussian university subsidized by the state; but Prussia subsidizes several other universities as well. The university of Paris is only the largest branch of that single organization of public instruction which spreads all over France, is maintained by the government, and presided over like the army and the navy by a minister. In continental Europe all universities are subsidized by government. Such is the custom of those countries, a custom which is certainly not the outgrowth of free institutions. The leading university is now at Leyden, now at Paris, now at Bologna, now at Vienna, now at Heidelberg, now at Berlin, and now at Leipzig, the stream of students flowing fitfully from one place to another. The proposed university at Washington would bear no resemblance whatever to any of these famous seats of learning, in either its constitution or its surroundings.

And now let me recall to your minds for a moment the second duty which was assigned to the committee appointed at St. Louis in 1871. They were in the first place to prepare a plan for a national university, and in the second place they were "to marshal the strength of the country in systematic and effective support of the measure." What has really taken place? In introducing the first bill we have discussed, Senator Howe said, apologetically, "I ought to say by way of explanation, that this bill was not sent to me. It was drawn by some one, I do not know who, and sent to my colleague, and it is at his request that I present it." In presenting the bill which was supposed to have the sanction of this Association, Senator Sawyer said: "I wish to say in reference to this bill, that I introduced it by request. . . . . I do not wish to be understood as recommending it." Neither bill was supported by anybody in any way, and neither bill has been heard of since it was brought into Congress until this day. The senators who introduced them did not imagine for a moment that any legislation would grow out of them. As to the strength of the country being marshaled in effective support of either of these measures, the idea is comical. The whole proceeding is loose, crude, hasty, undignified, and unworthy of the subject.

I turn next to my third topic, — the true policy of our government as regards university instruction. In almost all the writings about a national university, and of course in the two Senate bills now under discussion, there will be found the implication, if not the express assertion, that it is somehow the duty of our government to maintain a magnificent university. This assumption is the foundation upon which rest the ambitious projects before us, and many similar schemes. Let me try to demonstrate that the foundation is itself unsound.

The general notion that a beneficent government should provide and control an elaborate organization for teaching, just as it maintains an army, a navy, or a post-office, is of European origin, being a legitimate corollary to the theory of government by divine right. It is said that the state is a person having a conscience and a moral responsibility; that the government is the visible representative of a people's civilization, and the guardian of its honor and its morals, and should be the embodiment of all that is high and good in the people's character and aspirations. This moral person, this corporate representative of a Christian nation, has high duties and functions commensurate with its great powers, and none more imperative than that of diffusing knowledge and advancing science.

I desire to state this argument for the conduct of high educational institutions by government, as a matter of abstract duty, with all the force which belongs to it; for under an endless variety of thin disguises, and with all sorts of amplifications and dilutions, it is a staple commodity with writers upon the relation of government to education. The conception of government upon which this argument is based is obsolescent everywhere. In a free community the government does not hold this parental, or patriarchal — I should better say godlike — position. Our government is a group of servants appointed to do certain difficult and important work. It is not the guardian of the nation's morals; it does not necessarily represent the best virtue of the republic, and is not responsible for the national character, being itself one of the products of that character. The doctrine of state personality and conscience, and the whole argument to the dignity and moral elevation of a Christian nation's government as the basis of government duties, are natural enough under Grace of God governments, but they find no ground of practical application to modern republican confederations; they have no bearing on governments considered as purely human agencies with defined powers and limited responsibilities. Moreover, for most Americans these arguments prove a great deal too much; for if they have the least tendency to persuade us that government should direct any part of secular education, with how much greater force do they apply to the conduct by government of the religious education of the people. These propositions are indeed the main arguments for an established church. Religion is the supreme human interest, government is the supreme human organization; therefore government ought to take care for religion, and a Christian gov-

ernment should maintain distinctively Christian religious institutions. This is not theory alone; it is the practice of all Christendom, except in America and Switzerland. Now we do not admit it to be our duty to establish a national church. We believe not only that our people are more religious than many nations which have established churches, but also that they are far more religious under their own voluntary system than they would be under any government establishment of religion. We do not admit for a moment that establishment or no establishment is synonymous with national piety or impiety. Now, if a beneficent Christian government may rightly leave the people to provide themselves with religious institutions, surely it may leave them to provide suitable universities for the education of their youth. And here again the question of national university or no national university is by no means synonymous with the question, Shall the country have good university education or not? The only question is, shall we have a university supported and controlled by government, or shall we continue to rely upon universities supported and controlled by other agencies?

There is then no foundation whatever for the assumption that it is the duty of our government to establish a national university. I venture to state one broad reason why our government should not establish and maintain a university. If the people of the United States have any special destiny, any peculiar function in the world, it is to try to work out under extraordinarily favorable circumstances the problem of free institutions for a heterogeneous, rich, multitudinous population spread over a vast territory. We indeed want to breed scholars, artists, poets, historians, novelists, engineers, physicians, jurists, theologians, and orators; but, first of all, we want to breed a race of independent, self-reliant freemen, capable of helping, guiding, and governing themselves. Now the habit of being helped by the government, even if it be to things good in themselves, — to churches, universities, and railroads, — is a most insidious and irresistible enemy of republicanism; for the very essence of republicanism is self-reliance. With the continental nations of Europe it is an axiom that the government is to do everything, and is responsible for everything. The French have no word for "public spirit," for the reason that the sentiment is unknown to them. This abject dependence on the government is an accursed inheritance from the days of the divine right of kings. Americans, on the contrary, maintain precisely the opposite theory, namely, that government is to do nothing not expressly assigned it to do, that it is to perform no function which any private agency can perform as well, and that it is not to do a public good even, unless that good be otherwise unattainable. It is hardly too much to say that this doctrine is the foundation of our public liberty. So long as the people are really free they will maintain it in theory and in practice. During the war of the Rebellion we got accustomed to seeing the government spend vast sums of money and put forth vast efforts, and we asked ourselves, why should not some of these great resources and powers

be applied to works of peace, to creation as well as to destruction? So we subsidized railroads and steamship companies, and agricultural colleges, and now it is proposed to subsidize a university. The fatal objection to this subsidizing process is that it saps the foundations of public liberty. The only adequate securities of public liberty are the national habits, traditions, and character, acquired and accumulated in the practice of liberty and self-control. Interrupt these traditions, break up these habits or cultivate the opposite ones, or poison that national character, and public liberty will be suddenly found defenseless. We deceive ourselves dangerously when we think or speak as if education, whether primary or university, could guaranty republican institutions. Education can do no such thing. A republican people should indeed be educated and intelligent; but it by no means follows that an educated and intelligent people will be republican. Do I seem to conjure up imaginary evils to follow from this beneficent establishment of a superb national university? We teachers should be the last people to forget the sound advice — *obsta principiis.* A drop of water will put out a spark which otherwise would have kindled a conflagration that rivers could not quench.

Let us cling fast to the genuine American method — the old Massachusetts method — in the matter of public instruction. The essential features of that system are, local taxes for universal elementary education voted by the citizens themselves, local elective boards to spend the money raised by taxation and control the schools, and for the higher grades of instruction permanent endowments administered by incorporated bodies of trustees. This is the American voluntary system, in sharp contrast with the military, despotic organization of public instruction which prevails in Prussia and most other states of continental Europe. Both systems have peculiar advantages, the crowning advantage of the American method being that it breeds freemen. Our ancestors well understood the principle that to make a people free and self-reliant, it is necessary to let them take care of themselves, even if they do not take quite as good care of themselves as some superior power might.

And now, finally, let us ask what should make a university at the capital of the United States, established and supported by the general government, more national than any other American university. It might be larger and richer than any other, and it might not be; but certainly it could not have a monopoly of patriotism or of catholicity, or of literary and scientific enthusiasm. There is an attractive comprehensiveness and a suggestion of public spirit and love of country in the term "national;" but, after all, the adjective only narrows and belittles the noble conception contained in the word "university." Letters, science, art, philosophy, medicine, law, and theology are larger and more enduring than nations. There is something childish in this uneasy hankering for a big university in America, as there is also in that impatient longing for a distinctive American literature which we so often hear expressed. As American life grows more various and richer in sentiment, passion,

thought, and accumulated experience, American literature will become richer and more abounding, and in that better day let us hope that there will be found several universities in America, though by no means one in each State, as free, liberal, rich, national, and glorious as the warmest advocate of a single, crowning university at the national capital could imagine his desired institution to become.

Elective Studies. — We copy from the "Nation" of July 31st the following very interesting statement in relation to this subject. It is very desirable that some well-considered plan be adopted by all our colleges to collect and report statistics of their experience. One of the first conditions for the useful discussion of any plan for improving a system of education is a true statement of what it is. In many cases such a statement would itself decide the question.

"There was a vague but very general impression a few years ago that if the elective system were introduced into the older American colleges, the practical sciences, as they are called, especially physics, chemistry, and natural history, would crowd out the study of the ancient languages. There was also a feeling that the obvious utility of the modern languages, and particularly of French and of German, would help to throw the 'dead languages' into the background. A great many enthusiasts fancied that the *beatissimi sæculi ortus*, the good time a-coming, was at hand, when books would be thrown aside, and all intellectual activity would be narrowed down to the study of physical nature; and so much noise has been made about the natural sciences that a great many people undoubtedly think this is the principal if not the only subject taught where an elective system prevails. The Harvard University Catalogue for 1872–73 groups the elective studies of the three upper classes under nine heads, and gives the number of students electing every individual study. This convenient arrangement enables us to ascertain the exact numbers in the nine departments enumerated in the catalogue; in other words, to ascertain what it is that the masses of students feel the need of most, and flock to most, when the choice is left entirely to themselves. We have taken pains to add the numbers together, and think the following summary, in which the order of the catalogue is followed, will be interesting.

"To prevent misunderstanding, it may be well to say that the numbers do not represent *students*, but *elections*. A student may elect French, German, Spanish, and English, in which case he would count *four* in modern languages; or, if he chooses physics, chemistry, mathematics, and natural history, he will count *one* in each of those departments: —

| | | | |
|---|---|---|---|
| I. Ancient Languages | 541 | VI. Mathematics | 114 |
| II. Modern Languages | 436 | VII. Physics (including Chemistry) | 199 |
| III. Philosophy | 79 | VIII. Natural History | 154 |
| IV. History | 193 | IX. Music | 9 |
| V. Political Science | 65 | | |

"The absolute number of elections in ancient languages (under which the catalogue includes 14 students of elements of Roman law, 13 students of Hebrew, and one of Sanskrit) is 541; exceeding the numbers in modern languages (under which the catalogue includes three in Anglo-Saxon, 10 in the history and grammar of the English language, and 30 in English composition and English literature) by 105; exceeding the number in physics (including chemistry) by 342; exceeding the number in natural history by 387; exceeding the combined numbers of physics and chemistry and natural history by 188.

"The following table, in which the departments are arranged in the order of numbers, shows the percentage or relative number of students in each department, for every hundred students in ancient languages:—

| | | | |
|---|---|---|---|
| Ancient Languages | 100 | Natural History | 28 |
| Modern Languages | 80 | Mathematics | 21 |
| Physics and Chemistry | 37 | Philosophy | 15 |
| History | 35 | Political Science | 12 |

"The above percentages may be compared or grouped in different ways. Taking the fashionable division into 'literary' and 'scientific' courses, we may arrange them thus:—

| | | | |
|---|---|---|---|
| Ancient Languages | 100 | Physics and Chemistry | 37 |
| Modern Languages | 80 | Natural History | 28 |
| History | 35 | Mathematics | 21 |
| Philosophy | 15 | | |
| Political Science | 12 | | |
| | 242 | | 86 |

"The above combination gives 242 : 86, or something short of 36 students in the 'scientific' course to 100 in the 'literary' course.

"Perhaps some objection may be taken to the classification made above. The modern languages may be regarded from two points of view. In one sense they may be called 'literary,' in another, regarded merely as a means to an end; to aid the student in scientific or professional work, they may be called 'practical.' So, too, with mathematics; as a preparatory study it is practical, as a disciplinary study it may fairly be put with the classical, historical, and philosophical studies which make the groundwork of the old-fashioned college. If, therefore, we choose to make another division, perhaps equally fashionable, into 'disciplinary' and 'practical,' we find by reversing the positions of modern languages and mathematics:—

| | | | |
|---|---|---|---|
| Ancient Languages | 100 | Modern Languages | 80 |
| History | 37 | Physics and Chemistry | 37 |
| Mathematics | 21 | Natural History | 28 |
| Philosophy | 15 | | |
| Political Science | 12 | | |
| | 185 | | 145 |

"By this arrangement the disciplinary studies preponderate over the practical in the ratio of 185 : 145 or 100 : 78.

"The figures show conclusively that, in spite of the crusade which has been carried on against the ancient languages, they still are full of vitality, still a power, still a popular study, and, in fact, the greatest interest in the little college world. As our inquiry is purely numerical and statistical, we do not ask why the students make the selections they do. Doubtless the reasons are not very obvious; still one fact is plain, that they are not guided wholly by utilitarian views."

The International Statistical Congress. — The eighth meeting of this Congress was held, last year, at St. Petersburg. The delegates from this country were Dr. Edward Young, Chief of the Bureau of Statistics, Treasury Department, Washington; Mr. William Barnes of Albany; and Mr. Edwin M. Snow of Providence. Owing to the exertions of these gentlemen, and to the earnest recommendation of the President, the Congress of the United States, on the last day of the session, passed a resolution authorizing the President to invite the Congress to hold its next session in this country, a copy of which is given below. We have been lately personally assured by Dr. Engel of Berlin, and other eminent statisticians in Europe, that they desire very much to hold a meeting in this country in view of the common advantages which they are sure would result therefrom. It would seem, therefore, that the opportunities are favorable on both sides, and it is to be hoped that they will not be allowed to slip by.

Statistics lie at the basis of all sound legislation, and of social science in all its departments. Skill in it is rare and difficult. It is comparatively a new science in this country, and we must do all we can to improve it. Any one who has seen the admirable machinery for this purpose in Europe, and the trained men who work it, must be sure that few things would be more likely to do this than the holding of the Congress here. The American Social Science Association will do all in its power to bring about so desirable an object. J. M. B.

A RESOLUTION AUTHORIZING THE PRESIDENT TO INVITE THE INTERNATIONAL STATISTICAL CONGRESS TO HOLD ITS NEXT SESSION IN THE UNITED STATES.

*Whereas*, The governments of Belgium, Austria, France, Great Britain, Prussia, Italy, Holland, and Russia, have heretofore extended invitations to the International Statistical Congress to hold sessions of the said Congress at their respective capitals, and eight different sessions of the said Congress have been held in accordance with said official invitations to the great advancement of the science of national and international statistics in its various departments, and to the uniformity of coinage, weights, and measures, and commercial regulations and statistical publications between the different nations; and whereas the United States of America are favorable to all

measures for promoting the advancement of statistical science, and to all efforts for the social advancement and friendly intercourse of the people of all countries; and whereas, also, the President of the United States, in his recent annual message to Congress, has submitted to this Congress the consideration of the propriety of extending an invitation to the International Statistical Congress to hold its next (ninth) meeting in the United States, therefore,

*Resolved*, by the Senate and House of Representatives of America in Congress assembled, That the President be, and he is hereby, authorized and requested to tender to the organization commission of the last session of the said Congress, recently held at St. Petersburg, a formal and cordial invitation to hold its next session in the United States of America.

SECTION 2. That if the said invitation shall be accepted, the President shall be, and he is hereby, duly authorized to appoint the usual organization commission, and to take the other preliminary and necessary measures for the meeting of the said body and the holding of its ninth session in this country, at such time as may be deemed expedient by the said Statistical Congress.

Approved March 3, 1873.

Inquiry is often made at this office for information as to the objects of associations for Social Science, the form of organization, the subjects discussed, etc. To answer these questions in part we print short descriptions of several of these associations. The largest and most active one of which we have any knowledge is in England, under the name of "The National Association for the Promotion of Social Science." It was established in 1857, under the presidency of Lord Brougham. Subsequently the "Society for Promoting the Amendment of the Law," was united to it, and this title is now added to that given above on the publications of the Association.

The present head-quarters are at No. 1 Adam Street, Adelphi, London, W. C. The library room commands a fine view of the Thames, the bridges, and many of the most prominent buildings of the city. Here may daily be seen the secretaries and other officers, or committees, at work upon their special subjects. I believe it is the experience of many members of our Association that there is no place in London where one can obtain so readily correct information upon any of the social questions of the country, or meet so many persons who are authorities in them. The library, which is a large and growing one, includes the library of the late Jeremy Bentham.

An annual meeting, called the "Annual Congress," is held in some large city of the kingdom, usually in the month of September. The last one was held in Plymouth. The next one will be held in Norwich in October next.

At these meetings, which are attended by members only, papers are read and freely discussed. An attempt is made to secure several papers on each subject, so that various and often conflicting views are presented. In illustration of this we give below a list of the papers read at the last

meeting. These papers are printed under the name of Transactions. Sixteen octavo volumes of some six hundred pages each have already appeared.

Beside this annual meeting, special meetings are held once a week, from November to June, at the office in London, for reading papers and for discussion. These papers and discussions are also printed under the title of "Sessional Proceedings." Six volumes have been issued. We print below a list of the papers read at these weekly meetings from November 1870 to June 1872.

The number of members is nearly one thousand. The financial condition seems to be very satisfactory.

There can be no doubt that this Association has exercised an excellent influence on the public opinion of England. It is freely consulted by the ministers and other administrative officers of the government, and members of Parliament have found from experience that they can here obtain the best information upon the questions coming before them. It has done not a little to inaugurate good and to check bad legislation. The Habitual Criminals Bill, one of very great importance, was prepared almost exclusively by this Association. It took an active part in preparing for the legislation as to married women's property, educational endowments, and the public health.

A very active intercourse and correspondence has for several years existed between this Association and our own, and we are glad of an opportunity to make a public acknowledgment of the great benefit that we have received from it.

For further details as to the government, etc., of the British association, we refer to the several papers printed below. J. M. B.

OFFICERS AND STANDING COMMITTEES OF DEPARTMENTS OF THE NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE, WITH WHICH IS UNITED THE SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.

1872–3.

*President.*

The Right Hon. Lord Napier and Ettrick, K. T.

*Vice-Presidents.*

The Right Hon. Earl Russell, K. G.
The Right Hon. Earl of Shaftesbury, K. G.
The Right Hon. Lord Dufferin and Clandeboye, K. G.
The Right Hon. Earl of Carnarvon.
The Right Hon. Sir Stafford Northcote, Bart., M. P.
His Grace the Duke of Northumberland.
The Right Hon. Sir John S. Pakington, Bart., G. C. B., M. P.

*Presidents of Departments.*

I. — Sir John Duke Coleridge, Q. C., M. P.
II. — George Woodyatt Hastings.

III. — Dr. H. W. Acland, F. R. S., D. C. L.
IV. — Sir John Bowring, LL. D.

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1 Adam Street, Adelphi, London, W. C.

## COUNCIL FOR 1872-3.

Those marked with an asterisk are Representatives of Corporate Bodies.

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Brown, Samuel, F. S. S.
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Carnarvon, Earl of
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Chadwick, Edwin, C. B.
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Christison, Sir Robert, M. D.
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Goldsmid, Julian, M. P.
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Twiss, Sir Travers, D. C. L.
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Newmarch, William, F. R. S.
Newton, A. V.
Noel, Ernest
Pagliardini, Tito
Pennington, Frederick
Pratt, Hodgson
Shaen, Rev. Richard
Teulon, Seymour
Thomas, W. Cave
White, Robert

### On the Social Condition of India and the Colonies.

Carpenter, Miss Mary
Chadwick, Edwin, C. B.
Henty, William
Hill, Frederic
Kinnaird, Hon. Arthur, M. P.
Massey, Right Hon. W. M., M. P.
Mouat, Frederick J., M. D.
Pratt, Hodgson
Rawlinson, Sir Christopher
Rawlinson, Robert, C. B., C. E.
Torrens, Sir Robert R., M. P.
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### OBJECTS OF THE ASSOCIATION.

The Association is established to aid the development of Social Science, to spread a knowledge of the principles of jurisprudence, and to guide the public mind to the best practical means of promoting amendment of the law, the advancement of education, the prevention and repression of crime, the reformation of criminals, the adoption of sanitary regulations, and the diffusion of sound principles on questions of economy and trade. The Association aims to bring together the various societies and individuals who are engaged or interested in furthering these objects; and, without trenching upon independent exertions, seeks to elicit by discussion the real elements of truth, to clear up doubts, to harmonize discordant opinions, and to afford a common ground for the interchange of trustworthy information on the great social problems of the day.

### CONSTITUTION OF THE ASSOCIATION.

The Association has a president, vice-presidents, president of council, general secretary, treasurer, and foreign secretary. The government of the Association is intrusted to a council and an executive committee, constituted under Laws XI. and XII.

The Association is divided into four departments: Jurisprudence and Amendment of the Law, Education, Health, and Economy and Trade. Each department has a president, vice-presidents, secretaries, and standing committee.

### SUBSCRIPTION AND MEMBERSHIP.

Any person becomes a member of the Association by subscribing one guinea annually, or ten guineas as a life payment. Every member is entitled to attend the annual meetings of the Association, and to receive a copy of its "Transactions."

Any member subscribing under Law XX. an additional sum of one guinea annually, is also entitled to attend the special meetings of the departments, held in London during the session, to receive a copy of the "Sessional Proceedings," which contains the publications connected therewith, and to make use of the library at the office of the Association.

Any public body, such as a learned society, chamber of commerce, a mechanics' institute, etc., becomes a corporate member by paying an annual subscription of two guineas. Every corporate member receives (without further payment) a copy of the "Transactions," and may nominate two representatives to attend the meetings of the Association.

## LAWS OF THE ASSOCIATION.

### *Object and Organization.*

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises four departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; and the fourth, for Economy and Trade.

III. The Association consists of ordinary members, corporate members, foreign corresponding members, and associates.

### *Terms of Membership.*

IV. Any person who pays an annual subscription of one guinea, or a life subscription of ten guineas, to the funds of the Association, is an ordinary member.

V. Any public body paying to the funds of the Association an annual subscription of two guineas, is a corporate member.

VI. Foreign corresponding members are elected by the council the number of such members being limited by by-law. Foreign corresponding members are exempt from payment.

VII. Any person who pays ten shillings to the funds of the Association is an associate to the annual meeting for which such payment is made.

VIII. The annual subscription is payable in advance on the first day of August in each year.

### *Officers and Government.*

IX. The Association has a president, vice-presidents, presidents and vice-presidents of departments, a president of council, a general secretary, a treasurer or treasurers, foreign secretary, and secretaries of departments, who are all annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a council, and by an executive committee, subject to the directions of the council.

XI. The council consists of the following persons: —

1. The president, vice-presidents, presidents and vice-presidents of departments, general secretary, treasurers, foreign secretary, and secretaries of departments.

2. Every member who has filled the office of president or president of a department, or who has filled for three years the office of general secretary, treasurer, foreign secretary, or secretary of department.

3. Every member who, up to the 31st of July, 1862, had served for three years as a member of council.

4. Every member of either house of Parliament who is also a member of the Association.

5. Such members, not exceeding fifteen in each department, as shall be annually nominated by the standing committee of each department.

6. Such representatives of any branch or local association, not exceeding two, as may be nominated from time to time by such branch or local association.

7. Such representative of any society existing in connection with the Association as may be nominated from time to time by such society.

8. Such representative of any learned society, or chamber of commerce, being a corporate member of the Association, as may be from time to time nominated by such corporate member.

9. Such members as may be nominated by the Association, on the recommendation of the council, for special services to the Association.

10. Such members, not exceeding twelve, as shall be annually nominated by the council, on the recommendation of the executive committee.

XII. The executive committee consists of the president of council, the general secretary, the treasurers, the foreign secretary, one secretary from each department nominated by the council, and twelve members elected annually by the council.

XIII. The council meets at the time of the annual meeting of the Association, at three other times during the year, and also when specially summoned by the executive committee.

*Annual and other Meetings.*

XIV. An annual meeting for the reception of the address of the president, and of the reports of the council and standing committees, and for the reading and discussion of papers, is held in such place, and at such time, as may be appointed by the council.

XV. A business meeting of the members is held in each year at the office of the Association, at such time as may be appointed by the council, to receive a report from the council on the financial and other business of the Association, to elect the officers and standing committees for the ensuing year, and to enact such laws as may from time to time be required.

XVI. The council has the power of summoning a general meeting of members, on fourteen days' notice, for such purpose and at such time and place as it thinks fit.

XVII. The general secretary, on receiving a requisition signed by twenty members, summons, at such time, being within thirty days, and at such place as he thinks fit, a general meeting of the members, for the purpose stated in such requisition.

XVIII. Special meetings are held in London, under the regulation of the executive committee, for reading papers, and for discussion on specific questions.

*Rights and Privileges of Members.*

XIX. Every ordinary member has the right of attending and voting at the annual meeting, the business meeting of members, and all other general meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its "Transactions."

XX. Any ordinary member, whose name has been submitted for that purpose to, and approved by, the executive committee, and who pays an additional annual subscription of one guinea or an additional life subscription of ten guineas, has the privileges of attending and voting at the special meetings mentioned in Law XVIII., of receiving all publications issued in connection with such meetings, and of the using of the library at the office of the Association.

XXI. Every corporate member receives gratuitously a copy of the "Transactions," and may nominate two representatives to attend the meetings of the Association.

XXII. Every foreign corresponding member has all the rights of an ordinary member, except that of eligibility to the council.

XXIII. Every associate has the right of attending and voting at the annual meeting held by Law XIV.

*Standing and other Committees.*

XXIV. A standing committee for each department is annually elected at the business meeting of members. A standing committee has the power of appointing sub-committees.

XXV. Special committees are appointed by the Association or by the council, to consider and report on specific subjects of reference.

XXVI. The president of council is, *ex officio*, a member of every standing committee, and the general secretary and the foreign secretary are, *ex officio*, members of every committee and sub-committee. The secretary of each department is, *ex officio*, a member of every committee and sub-committee of such department.

*Constitution and Conduct of Meetings.*

XXVII. For general meetings of the Association twenty members, for meetings of the council seven members, for those of the executive committee five members, and for those of other committees and sub-committees three members, form a quorum.

XXVIII. At all the aforesaid meetings the chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the chair at any meeting of the Association held under Laws XIV., XV., or XVI.

*Finances.*

XXX. The funds of the Association are kept in its name at a bank. All sums received on account of the Association are paid into the bank; and all checks on the bank are drawn by order of the council or of the executive committee, signed by the treasurer and countersigned by the general secretary.

XXXI. At the business meeting of members two auditors, not being members of the executive committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year; and, after being duly audited, are appended to the annual report of the council.

*Vacancies in Offices.*

XXXIII. The council fills up any vacancy occurring during the year in any of the offices named in Law IX.

ANNUAL CONGRESS.

The annual congress of the Association in 1873 will be held at Norwich.

TRANSACTIONS.

The "Transactions" of the Association are published by Messrs. Longmans & Co., Paternoster Row, price 12*s.*, but members desirous of completing their sets of volumes may obtain them at the office of the Associanion, at the reduced price of 8*s.* 6*d.* each volume, excepting those of 1857, 1858, and 1859. The journal, "Sessional Proceedings," issued at short intervals during the session, may be obtained at the office of the Association, or of P. S. King, Bridge Street, Westminster, price 3*d.*

A LIST OF PAPERS READ AT THE SESSIONAL EVENING MEETINGS.

*November* 20*th*, 1871. — The Present Position of the Coöperative Movement. By Mr. Thomas Hughes, Q. C., M. P.

*November* 27*th*. — Discussion on the Endowed Schools Bill, Part II., opened by Mr. J. G. Fitch.

*December* 4*th*. — On the Means by an Improved Organization of Accelerating the Business of Parliament. By Mr. Frederic Hill.

*December* 11*th*. — Adjourned Discussion on the Coöperative Movement. By Mr. Thomas Hughes, Q. C., M. P.

*December* 18*th*. — Suggestions for Facilitating the Transfer and disposition of Land. By Professor Jacob Waley.

*January* 15*th*, 1872. — Appellate Jurisdiction. By Mr. H. N. Mozley.

*January* 22*d*. — Coming Sanitary Legislation. Discussion opened by Mr. G. W. Hastings.

*January 29th.* — Upon the Principle which should guide in Legislation as to Property. By Mr. C. J. Grece.

*February 5th.* — Women's Suffrage. By Mr. Arthur Arnold.

*February 12th.* — On the Introduction of Metric Weights and Measures, and a Decimal System of Coinage, and on the advantage of having them taught in the Elementary Schools in the United Kingdom. By Professor Leone Levi.

*February 19th.* — Aspects and Prospects of Technical Education. By Dr. Yeats.

*February 26th.* — Discussion on the Traffic in Stolen Property, opened by Mr. A. H. Safford.

*March 18th.* — Discussion on the Married Women's Property Amendment Act, opened by Mr. Edwin Pears.

*March 25th.* — On the Haunts of Typhoid and other Fevers in England and Wales. By Dr. A. Haviland.

*April 15th.* — On the Bill to Amend the Law of Evidence. By Mr. Joseph Brown, Q. C.

*April 22d.* — A Proposal for solving the great Educational Difficulties, namely, Compulsion, Payments, and Religion in Elementary Schools. By Dr. Stallard.

*April 29th.* — Adjourned Discussion of the Bill to Amend the Law of Evidence.

*May 6th.* — On the Civil Responsibility of Employers to those Injured in their Employ. By Mr. P. H. Holland.

*May 13th.* — Theories of the Propagation of Disease, side by side with existing Facts. By Dr. Druitt.

*May 27th.* — On Local Medical Appointments, and on the need of the Separation of Private Practice from the Public Medical Service. By Mr. Edwin Chadwick, C. B.

*June 3d.* — On the Importance and Necessity of Improving our Ordinary Method of School Instruction. By Mr. Joseph Payne, F. C. P.

*June 10th.* — On Mixed Education. By Miss Emma Wallington.

These papers and the discussions upon them have been printed, and circulated among the members. A petition was presented to the House of Commons by the council in favor of the appointment of a public prosecutor, as a means conducive to the diminution of crime and the conviction of offenders. The Jurisprudence Committee at the same time expressed their opinion that as the worst effects of the want of a system of public prosecution were seen in the metropolitan police district, it would be expedient, in the first instance, to limit the operation of the measure to that area. The council are glad to learn that this suggestion was generally approved, and they congratulate the Association that though the measure has been dropped for the present

session, it will probably be reintroduced next session with the modification mentioned, and will be a Government measure. "Book the First," of a draft outline of an international code has been prepared by Mr. David Dudley Field, of New York. The contents of this volume treat of the relations of nations and of their members in time of peace. It will be recollected that at the Manchester Congress, in 1866, a committee was appointed, consisting of jurists of different nations, to prepare and report on the subject, with a view of having a complete code formed after careful revision and amendment, and then presented to the different governments, in the hope of receiving their sanction. The present is an installment in that direction. The subject of the law of evidence has been under the consideration of the standing committee of the municipal law section. A bill has been drafted by the council, and will be considered at the Plymouth Congress. The bill on the jury laws, brought into the House of Commons by the Government, was considered by the special committee on trial by jury, and their report was communicated to the select committee of the House. The bill has since been withdrawn. An International Prison Congress was held in London in July. The council were desirous of giving every aid in their power to make the Congress a successful and useful meeting, and they resolved to coöperate with Dr. Wines (commissioner from the United States to organize the Congress) in every practical way in prosecuting the objects of his mission. The Congress met with eminent success. The council again memorialized the Government in favor of reintroducing the Endowed Schools Bill, Part II. The bill would provide for efficient teaching by thoroughly qualified persons, and prevent the growth of abuses arising mainly for want of inspection, supervision, and examination. Two deputations of the joint committees of this Association and the British Medical Association on state medicine and the organization and administration of the sanitary laws, waited upon Mr. Stansfeld, at the local government board, Whitehall, to urge upon him the expediency of introducing certain provisions into the measure brought before Parliament on the sanitary law. Memorials were on each occasion presented. The deputation urged the necessity of the consolidation of the existing law, a large extension of area, an amendment in local authorities, and the establishment of a registration of sickness. Mr. Stansfeld, in reply, promised the suggestions offered should have his most careful consideration. The council also adopted a series of resolutions on the subject, which were printed and circulated. A communication was made by the standing committee of the health department to the president of the local government board on the subject of the steps desirable to be taken in view of the possible outbreak of cholera. A letter, in reply, stated that the president had had the suggestions under his attentive consideration; that he proposed the adoption of some of them, and that he would willingly give his best attention to any further suggestions which the re-

sult of the discussions of the Association might possibly induce them to make. A memorial on the subject of the regulation of mines was presented to her Majesty's Secretary of State for the Home Department. Under the Mines Inspection Act many important precautions introduced are still neglected, whereby a large proportion of the lives lost by mine accidents are caused, as also a far larger number of severe injuries not fatal. The pecuniary loss and the misery occasioned by such very numerous deaths and injuries are so great and so wide-spread as to be of important national concern. The council were of opinion that such misery could be much alleviated and greatly diminished. They suggested that compensation should be secured to those injured, or to the families of those killed, in all cases of accident *essentially*, though not exclusively, caused by the neglect of such precautions. The council subsequently petitioned the House of Commons in favor of the Mines Regulation Bill, which provided to some extent for the evils complained of. They are glad to report that the legislature has concurred in several of the suggestions made. On the 6th of August, M. Henry Dunant, the originator of the work of the "Red Cross," and of the convention signed at Geneva (1864), for ameliorating the condition of the wounded, read here a paper, by way of "A Proposal for Introducing Uniformity into the Condition of Prisoners of War." The great success which attended M. Dunant's previous efforts made the present proposal one of peculiar interest. In the nine articles of the convention, signed at Geneva, in 1864, and acceded to by the British Government in February, 1865, the leading European States virtually agreed upon a number of articles of an International Code. It is now proposed that steps shall be taken towards framing similar propositions for introducing uniformity into the treatment of prisoners of war. At the conclusion of the paper, a resolution was passed, recommending the appointment of a joint committee of the Association and of the National Society for aiding the Sick and Wounded in Time of War, for consideration, and to report thereon. The council has had this resolution before it, and has named a committee, including in its numbers the International Law Section. The special committee appointed to consider the present licensing laws had referred to them a resolution passed at the Leeds Congress, recommending the council to continue their labors to aid in securing from Parliament a comprehensive measure dealing with the sale of intoxicating liquors. The committee, in deliberating on the subject, had before them the bill of the Government. A series of resolutions were drawn up and approved by the council, and ordered to be presented to the Secretary of State for the Home Department, who had charge of the licensing bill. In November last, a central conference of chairmen and vice-chairmen of boards of guardians was held here, under the auspices of the Association, with a view to bring together those who were interested in poor law administration, to compare experience, and to hear suggestions. Somewhat sim-

ilar conferences have been held in other parts of England representing particular districts. These conferences having met with general approval, it was suggested that a central conference should be held in London, to which representatives should be invited from various portions of the kingdom, and that this could be best done through the agency of this Association. The conference was a very large and influential gathering of persons interested in poor law administration, and was presided over by the Right Hon. the Earl of Lichfield. The council have much satisfaction in reporting that the operations of the special committee on labor and capital, during the last year, have met with considerable success. In order to assist in bringing to a termination the extensive strike at that time among the engineers at Newcastle-upon-Tyne, Mr. Morrison, M. P., and the general secretary, Mr. Pears, went to that town in the early part of the summer, and were afterwards followed by Mr. Mundella, M. P., accompanied by Mr. Applegarth; and there can be no doubt that the friendly interviews which these gentlemen had with both classes in dispute, and the compromise recommended by Mr. Mundella, and which, in effect, was adopted, had a material influence in bringing the strike to an end; a strike which, besides the bad feelings attending it, was, at a low estimate, causing a weekly loss of £15,000. Subsequently to this, several excellent public addresses on the subject of labor and capital were delivered in different parts of the country, by Mr. Thomas Brassey, M. P., another member of the committee; and in several places, through the committee's exertions, boards of conciliation were formed and strikes averted. Still more recently, the committee have done good service in relation to the builders' lock-out and strike in London. Some resolutions by them, advising a friendly conference between the masters and workmen, and, if necessary, reference to arbitration, having been issued, the masters at once expressed their willingness to adopt them; and in a short time the masons, also, in effect, gave their consent; the speedy result being an abandonment of the strike, so far as the masons were concerned, and complete cessation of the lock-out. The council have had under their consideration a resolution passed at a conference of poor law guardians at Guildford, recommending them to take steps to impress on the Government the desirability of making a full investigation into the character and management of friendly societies and village benefit clubs, with a view to the establishment throughout the country of providential societies on sound principles. The council arranged that at the Plymouth Congress the subject should be brought forward, and also be considered in committee by the Economy and Trade Department. The council have had urged upon them the propriety of interceding in some way with the Government with a view to the suppression of the existing slave trade in Central Africa. The council have referred the subject to the standing committee on India and the Colonies, for consideration, with full power to take what steps they may deem requisite to bring the mat-

ter under the notice of the Government, with a view to put an end to the traffic. In addition to the subjects which have been mentioned, the consideration of several others have occupied the attention of the various committees during the session.

A LIST OF PAPERS READ AT THE ANNUAL GENERAL MEETING HELD IN PLYMOUTH AND DEVONPORT IN SEPTEMBER, 1872, AND PRINTED IN THE VOLUME OF TRANSACTIONS FOR 1872.

Opening Address. The Right Hon. Lord Napier and Ettrick, K. T

Address on Jurisprudence and Amendment of the Law. Sir John Duke Coleridge, Q. C., M. P.

Address on Education. John Woodyatt Hastings.

Address on Health. Dr. Ackland, F. R. S., D. C. L.

Address on Economy and Trade. Sir John Bowring, LL. D.

## I.—Jurisprudence and Amendment of the Law.

### International and Municipal Law Section.

*Evidence of Accused Persons.*

Is it desirable that defendants in criminal proceedings should be competent or compellable to give evidence in their own behalf, or on behalf of, or against others jointly indicted? And is it desirable that the husband or wife of an indicted prisoner, should be competent or compellable to give evidence in favor of, or against the accused, or any person jointly indicted? Alfred Waddilove, D. C. L. T. C. Brian. Discussion.

*Court of International Arbitration.*

Can a court of international arbitration be formed with a view to avoid war, and if so, in what way? Rev. Dr. Stock. M. Henry Dunant. Discussion.

*Liability for Negligence.*

Ought railway companies and other carriers of passengers to be liable to an unlimited extent for the acts of their servants? Joseph Brown, Q. C. Discussion.

*The Colonial Question.*

The Colonial Question; its present position and the policy of the future. Edward Jenkins, Barrister-at-Law.

Permanent Union of the Empire Desirable; and how Maintainable. Francis P. Labilliere, Barrister-at-Law.

On the Policy of Extending the Empire. Wm. Westgarth.

On the Transfer of Land. Sir Robt. R. Torrens, M. P. Discussion.

Copyhold Law Reform. H. W. Freeland.

*Miscellaneous.*

On the Second Report of the Judicature Commission. W. T. S. Daniel, Q. C.

On the Reform of the Ecclesiastical Courts of England. Rev. Daniel Ace, D. D.

On the International Laws of Joint Stock Companies, and the Necessity of Establishing an International Code. H. D. Jencken.

*Repression of Crime Section.*

Address on Repression of Crime. J. H. Kennaway, M. P.

*Cumulative Punishment.*

Is it desirable to adopt the principle of Cumulative Punishment? T. B. Le Baker. Discussion.

*Industrial Day Schools.*

Is it desirable that Industrial Day Schools should be Established? Miss Mary Carpenter. Discussion.

*Primary Aim of Punishment.*

What ought to be the Primary Aim of Punishment, — to deter, or to reform? Mr. Serjeant Cox. Discussion.

*Treatment of Prisoners before Trial.*

The Prison Cells of London. T. Ll. Murray Browne, Barrister-at-Law.

On the Treatment of Prisoners before Trial. R. D. Tracy Gould, Barrister-at-Law.

On the Diminution of the Frequency of Punishment, with the view of increasing its deterrent Effect. Rev. C. M. E. Collins.

Mendicity, Repression, and Charity Organization. Hamilton Whiteford.

*Miscellaneous.*

The Past and Future of Dealing with Crime. T. B. Ll. Baker.

Trade Prisons. E. Vivian.

Substitution of Compulsory Labor for Imprisonment in the Case of Female Offenders. Mrs. Meredith.

The Devon and Exeter Reformatories and Industrial Schools. A. H. A. Hamilton.

On the best Means of suppressing the low, cheap Literature of the Day. R. Reynolds Fox.

Industrial Labor in Establishments for Criminals in India. Captain Brudenell Rogers.

## II. — Education.

### *Primary Instruction.*

Why are the Results of our Primary Instruction so unsatisfactory? Joseph Paine (Representative from the College of Preceptors). Rev. Brooke Lambert. Discussion.

### *Training of Teachers.*

How far does recent Legislation render new Regulations necessary for the Training of Teachers in Elementary Schools? T. Chatfield Clark. Discussion.

### *Secondary Education of Girls.*

What Public Provision ought to be made for the Secondary Education of Girls? Miss Sheriff. Discussion.

### *Scientific Education.*

On the Present Position of Science in Relation to the British Government. George Gore, F. R. S.

On Scientific Education in Middle-class Schools. C. Spence Bates, F. R. S.

Education on a Scientific Basis. W. Cave Thomas.

On the Right Curriculum of National Schools. Professor Newman.

On the National High Schools of Denmark. Miss Hierta.

### *Miscellaneous.*

Punishments in relation to the Education of Children. W. F. Collier.

On the Scheme under Consideration for Establishing Examinations of Public Schools, to be conducted by Members of the University. Rev. E. C. Hawkins.

On the Education Act of 1870, and the Code. Rowland Hamilton.

The Object of Female Education. Mrs. Amelia Lewis.

On the Education and Employment of the Blind. Miss. M. A. Paull.

The Training System in Use in the Royal Navy. William Beer.

## III. — Health.

### *Sewage Poisoning.*

What Steps should be taken to guard against Sewage Poisoning? P. H. Holland. I. W. Stevens, M. R. C. S. Discussion.

### *Improvement of Sanitary Laws.*

What are the Steps on which a Comprehensive Measure for the Improvement of the Sanitary Laws should be based? W. H. Michael. Discussion.

*Pollution of Rivers.*

What Means can be adopted to prevent the Pollution of Rivers? William Hope, V. C.

The Prevention of Disease. Thomas Baker.

The Public Health Act, 1872, with Special Reference to the three Towns of Plymouth, Devonport, and Stonehouse. Christopher Bulteel, F. R. C. S.

*Miscellaneous.*

Report of the Joint Committee on the Amendment of the Sanitary Laws.

The Policy of Restrictive Measures on Quarantine as applied to Cholera and Cattle Plague. George Foggs.

The Eccentricity of Recent Sanitary Legislation. Wm. Hope, V. C.

The Cleansing of Sewers and the Purification of Sewage. General Scott.

On Sewage Filtration. Robert Symington.

A New Mode of Hospital Construction. Henry Greenway, M. R. C. S.

On the most Effectual Means of Preserving Purity of Atmosphere. W. I. Cooper.

Ventilation and Health in Ships. Dr. W. S. Pearse.

The Mortality of Infants. Thomas Littleton, M. B. Lond.

On Vital Statistics. Edward Vivian.

A Medical Midnight Mission in the Streets of Birmingham. William Acton.

## IV. — Economy and Trade.

*Direct or Indirect Taxation.*

How far ought Taxation to be Direct or Indirect? E. C. Macqueen, John Noble, Thomas Briggs. Discussion.

*Agricultural Labor.*

How may the Condition of the Agricultural Laborer be Improved? Sir Baldwin Leighton, Bart., William Morris, E. L. O'Malley. Discussion.

*Local Taxation.*

What Principles ought to Regulate Local Taxation and Administration? John Scott, Captain Craigie, W. D. Henderson, Owen Williams. Discussion.

Arbitration in the Settlement of National Disputes, viewed in relation to the Events and Results of the late War. Thomas Beggs.

Retail Trades and Coöperative Stores. Jeremiah Head, F. S. S.

The Abuse of Industrial Partnerships. G. I. Holyoake.

Free Trade in Land. Arthur Arnold.

Remarks upon the Mineral Wealth of Cornwall. J. H. Collins, F. G. S.

Existing Impediments to the Circulation of Labor, and Suggestions for their Removal. Alsager H. Hill.

On the Present Condition of the Licensing Laws in the United Kingdom and their Deficiencies. Rev. S. A. Steinthal.

Social Progress in India; or, India as a Field for the Study of Social Science. Iltudus T. Prichard.

Insurance for Laborers. Rev. J. S. Stratton.

*Miscellaneous.*

A Parliament of Nations. His Excellency Senor Don Arturo de Marcoartu.

Work of an International Peace Society, and Woman's Work in it. Mrs. E. M. King.

The Needle Woman's Case. R. W. Cooke Taylor.

Factories and Work Shops Inspections, with special Reference to Brick and Tile Yards. George Smith, F. S. A.

The Improved Utilization of the Land. Francis Fuller.

The Elberfield Poor Law System. I. N. Bennett.

Rating of the Tithe Rentcharge. Rev. R. Hobhouse.

On a New Method of Constructing Ships, with a Self-Regulating as to their Specific Gravity, so as to enable them to secure the Advantages enjoyed by Fish. Dr. Thomas Littleton.

On Coöperation. William Nuttall.

The Present Condition of Metallic Currency, and the Effect which a limited supply thereof has upon the Trade and Industry of the Country. J. R. Coningsby.

On the Necessity of Protecting the Pacific Populations of Invaded Countries in Continental Wars. By Professor Katchenowsky.

The Philadelphia Social Science Association. — We are indebted to Mr. J. G. Rosengarten, the secretary of this Association, for the following description of its formation and subsequent transactions.

The Philadelphia Social Science Association was organized at a meeting held November 17, 1869, as a local branch of the American Association for the advancement of Social Science. During that winter, a series of lectures on Social Science was delivered at the hall of the University by Professor McIlvaine of Princeton, under the auspices of the Association. In the autumn of 1870, the meeting of the general association was held at the same place, and with very great success; the papers read there were subsequently printed in the Transactions of the Association. During the winter of 1870–71, the following papers

were read at public meetings held by the Philadelphia Association, namely, —

1. Compulsory Education, by Lorin Blodget.
2. Arbitration as a Remedy for Strikes, by Echley B. Coxe.
3. The Revised Statutes of Pennsylvania, by R. C. McMurtrie.
4. Local Taxation, by Thomas Cochran.
5. Infant Mortality, by Dr. J. S. Parry.

These papers were all printed in the "Penn Monthly Magazine," and reprinted, together with the discussion that followed the reading of the papers in separate pamphlet form, for distribution among the members of the Association, the newspapers, and through the general association at Boston, to such of its members as were interested in the questions under discussion.

In the winter of 1871–72, the same plan was followed, and the following series of papers read and printed, namely, —

1. Statute Law and Common Law, by E. Spencer Miller.
2. Apprenticeship, by James S. Whitney.
3. The Proposed Amendments to the Constitution of Pennsylvania, by Francis Jordan.
4. Vaccination, by Dr. J. S. Parry.
5. The Census, by Lorin Blodget.

In the winter of 1872–73, the following papers were published by the Association, in pursuance of the plan so successfully set on foot and pursued for the preceding seasons of active operations, namely, —

1. The Tax System of Pennsylvania, by Cyrus Elder.
2. The Work of the Constitutional Convention of Pennsylvania, by A. Sydney Biddle.
3. What shall Philadelphia do with its Paupers, by Dr. Isaac Ray.
4. Proportional Representation, by S. Dana Horton, and a supplement to it.
5. The Election of Party Candidates under the Free List, by the same.

In addition to the instruction conveyed by these papers when read and discussed at the meetings of the Association, full abstracts of them were printed in all the newspapers of Philadelphia, and thus the public at large were greatly benefited by the active operations of the Association. Many very important matters of State and municipal legislation were so treated that good legislation was assisted and even secured, while much bad and mischievous law-making was arrested, and in one important instance, absolutely prevented. The Association was also actively engaged in successful coöperation with the national association in its energetic support of civil service reform, reform of immigration, minority representation, and numerous other questions of national interest and importance, where the initiative was due largely to the general association, and the local associations lent very useful influence to forward them.

The total membership of the Association has not exceeded one hundred and eighty, representing the various professions and many of the leading industries of Philadelphia; even this small number has been reduced by death, resignation, and removal of twenty or more persons, so that the burden both of financial and other requirements must fall heavily on a very small number of members. The annual subscription of five dollars has barely sufficed to pay the current expenses of the Philadelphia Association, and its proportion of the amount spent by the national association had either to be raised by private subscriptions or to be left unpaid. The national association has, however, frequently expressed its approval of the activity exhibited in spite of so many discouragements and such a want of support, — by the Philadelphia Association, and the utmost harmony and the most generous coöperation have marked the relations of the two bodies. The plan of organization of the parent body has been followed by the Philadelphia branch with great fidelity, and the example thus set, of securing local coöperation in the cause of Social Science, will, it is hoped, be pursued with equal industry and success in the other cities of the Union, where similar local branches have been or may be set on foot. The subjoined list of officers for the years 1869, 1870, 1871, 1872, and 1873, shows how steadily the same persons have worked together to secure a successful result to the plan of a Social Science Association for America set on foot in 1865.

OFFICERS FOR 1869, 1870, 1871, 1872, 1873, OF THE PHILADELPHIA SOCIAL SCIENCE ASSOCIATION.

*President*, — Hon. Wm. Strong.

*Executive Committee*, — Department of Public Health, Dr. Isaac Ray, Dr. Ruschenberger, Dr. J. S. Parry, Dr. E. A. Gorman, Blomfield H. Moore. Department of Education, Dr. Charles J. Stillé, Dr. D. R. Goodwin, Rich. S. Smith, James L. Claghorn, Lorin Blodget, W. V. McKean. Department of Economy, Trade, and Finance, Joseph Wharton, John Welsh, C. H. Clark, H. C. Lea, Wm. A. Ingham, E. A. Rollins. Department of Mining and Manufactures, Eckley B. Coxe, T. Guilford Smith, Joseph D. Potts, W. A. Ingham, J. S. Whitney, T. S. Emery, E. A. Rollins. Department of Jurisprudence and the Amendment of Laws, M. Russell Thayer, E. Spencer Miller, R. L. Ashhurst, Saml. Dickson, Walter H. Lowrie, W. Heyward Drayton, J. G. Rosengarten, James R. Ludlow.

*Secretary*, — J. G. Rosengarten.

*Treasurer*, — C. H. Clark.

The Albany Institute. — The Albany Institute at Albany, N. Y., is a scientific association founded, though under a different name, in 1791. Robert R. Livingston was the first president, and Stephen Van Rensselaer president of the reörganization in 1823. The office is now

held by Hon. J. V. L. Pruyn. It has distributed its members into three departments, Physical Science and the Arts, Natural History, History and Literature. The volumes of Transactions issued since 1791 by the three societies in succession, amount to twelve.

In the hope of securing some prominence for the objects of the American Social Science Association, the Institute, last year, voted that a fourth department be formed with the title of Political and Social Science. The result of this definite enlargement of the sphere of the Institute cannot be anticipated. A paper was read this year at a regular meeting by Mr. H. A. Homes, on the progress of the science during the last few years, followed by a summary of H. Spencer's twelve articles on the difficulties of the study of Sociology.

H. A. H.

## CONSTITUTION OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

ADOPTED IN BOSTON, OCTOBER 4, 1865; AMENDED OCTOBER 13, 1869, AND DECEMBER 7, 1872.

ARTICLE I. This Society shall be called the American Social Science Association.

II. It shall include four departments: the first, of Education; the second, of Health; the third, of Finance; the fourth, of Jurisprudence.

III. It shall be administered by a president, *as many vice-presidents as may be required to conduct the affairs of local sections*, a treasurer and secretary; an executive committee, charged with general supervision; four department committees, established by the executive committee, charged with the supervision of their respective departments; and such local committees as may be established by the executive committee at different points to serve as branch associations.

The executive committee shall consist of the president, *vice-presidents*, treasurer, and secretary, the chairman of each of the departments, and *twenty or more* directors, with power to fill vacancies *and to make their own by-laws.*

The president, *vice-presidents*, treasurer, secretary, and directors, shall be chosen annually on the second Wednesday of October, and shall hold office till their successors are chosen. The president, *or in his absence a vice-president*, shall be chairman of the executive committee. The chairmen of the department and local committees shall be chosen at the pleasure of their respective committees.

IV. Any person may become a member by paying five dollars, and may continue a member by paying anually such further sum, not exceeding ten dollars, as shall be fixed at the annual meeting. Any person may become a life-member, exempt from assessments, on payment of one hundred dollars. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The executive committee shall have sole power to call and conduct general meetings, and to publish the transactions and other documents of the Association. The department committees shall have power to call and conduct department meetings.

VI. No amendments of this Constitution shall be made, except at an annual meeting, and with public notice of the proposed amendments.

### LIST OF OFFICERS AND MEMBERS OF DEPARTMENTS.

*President*, — George William Curtis, New York.

*Vice-Presidents*, — Josiah Quincy, Boston; C. R. Agnew, New York; H. C. Lea, Philadelphia; Theo. D. Woolsey, New Haven; J. W. Hoyt, Madison, Wis.; George Davidson, D. C. Gilman, California; W. J. Harris, St. Louis.

*Treasurer*, — J. S. Blatchford, Boston.

*Secretary*, — ——, ——.

*Directors*, — L. Agassiz, B. Peirce, Samuel Eliot, Emory Washburn, E. L. Pierce, Chas. W. Eliot, S. G. Howe, E. H. Clarke, T. C. Amory, C. C. Perkins, Hamilton A. Hill, F. B. Sanborn, R. M. Mason, J. M. Barnard, Mrs. John E. Lodge, Mrs. Mary E. Parkman, Mrs. C. H. Dall, Mrs. Henry Whitman, Miss A. W. May, Miss Alice S. Hooper.

*Secretary of Executive Committee*, — Miss A. W. May.

#### DEPARTMENT OF EDUCATION.

C. W. Eliot, LL. D. and President of Harvard College, *Chairman*.

Miss A. W. May, *Secretary*.

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# JOURNAL

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F. B. SANBORN,

SECRETARY OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

# PREFACE.

The Journal of Social Science has been hitherto an occasional publication, appearing at irregular intervals, but usually once a year. During the years 1872–3, only one number was published; in 1874, two, and perhaps three, will be issued. It is hoped hereafter to publish it semi-annually, and perhaps quarterly, so as to furnish in each year a volume of at least 500 pages to the members of the Association, and to those individuals and libraries that may prefer to receive it by subscription. It will be published at the rate of One Dollar for 200 pages however often it may appear, and subscriptions for the numbers at that rate may be sent either to the publishers, or to the editor (F. B. Sanborn, 5 Pemberton Square, Boston), the Secretary of the Association.

The Journal includes, in the first place, the Transactions of the Association; that is, the proceedings at its meetings, general or special, the papers read at those meetings, and such reports of the discussions as are made; and in the second place, other papers prepared for the Association, or relating to its work. Numbers Six and Seven, for instance, contain all or nearly all the papers read at the New York Meeting in May, 1874; and also, other papers or extracts from papers relating to the topics treated at that meeting. For the convenience of subscribers, certain topics are grouped together in Number Six; as, for example, those relating to Public Charities and Finance; others, relating to Public Health and Education are grouped in Number Seven. The latter also contains a record of facts and events, at home and abroad, which may be supposed to interest students of Social Science. All such, and particularly members of the Association, are invited to contribute statistics, reports, or any data whatever which can properly find a place in the Journal.

Number Six was published in July, 1874; Number Seven will appear in September, and Number Eight, probably, in December. Number Five was published in October, 1873. The table of contents of Number Six is appended. Number Seven will contain the papers on Sani-

tary subjects read at the New York Meeting; the papers of Presidents Woolsey, Gilman, and White, and other important matter. Number Eight will contain the proceedings of the Annual Meeting in October; the reports, papers and discussions thereat, and some account of the British Social Science Congress at Glasgow.

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## THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

The American Social Science Association was established nearly nine years ago, having been organized in Boston at a public meeting, Oct. 4, 1865, at which the late Gov. Andrew of Massachusetts presided, and has had for its Presidents, Prof. W. B. Rogers and Dr. Samuel Eliot of Boston, and George William Curtis of New York. Its members have varied in number from 150 to 600, and are now about 300. Its object is to investigate and discuss all questions belonging to that new and broad domain of thought and practical activity known as *Social Science;* and its methods are, the holding of public meetings, the formation of committees for special research, correspondence with all parts of the country, and the publication of information in various ways. It comprises five Departments, in either of which its members may enroll themselves, but which are managed by Committees appointed by the General Committee, which, in turn, is elected annually by the whole body of members. A copy of the Constitution is subjoined.

The publishers for the Association are Messrs. Hurd & Houghton, 13 Astor Place, N. Y., who will furnish all documents of which the supply is not exhausted. Nos. 1, 3, and 4 of the *Journal* can no longer be supplied. Members are entitled to all the publications of the year for which their assessment of five dollars is paid. The office of the Association is in Boston, and its annual meetings are held there, but its General Meetings are held in other cities.

It is not chiefly as the advocate of measures to be carried, that the American Social Science Association appears before the public. Its duty is rather to furnish a laboratory for investigations, an arena for discussions, a registry for facts and experiments, a bureau for questions and answers, in regard to the multiform matters coming under observation in our five present departments or sections, of Education, Health, Jurisprudence, Finance, and Social Economy. It has therefore been one of the main objects of the Executive Committee, carrying forward the work already begun, to put themselves in communication during the current year with as many organized bodies and individual inquirers as possible, and to obtain from them existing facts concerning the application of Social Science in any of these departments. To this end

the Secretary has corresponded with Boards of Education, of Health, of Trade, and of Public Charities; officers of prisons and reformatories, managers of other public establishments, employers of industry, experts in matters of revenue, currency, taxation, transportation, the distribution of products, etc., — in short, with such persons as may be supposed capable of enlightening the Association, and through it the American public, concerning the matters with which Social Science deals. What is thus acquired is published from time to time, in such ways as are open to the Association, and with more regularity and frequency than heretofore.

Another feature of our work henceforth will be the formation of local committees or branch associations in different parts of the country, through which the parent association can reach more readily the sources of information and of influence in each locality. Such an association has long existed, and has done much useful work, in Philadelphia; others are now formed or forming in St. Louis, New Haven, Conn., San Francisco, Galveston and Detroit, and efforts are making to establish State Associations in Pennsylvania, Ohio, Iowa and Wisconsin. A plan for the uniform establishment and operation of such Branch Associations has been considered by the Executive Committee, and was finally adopted in April last, and laid before the General Meeting of the Association in May, as follows: —

"1. That it does not seem practicable to bring all organizations for the promotion of Social Science, existing or to be established, to the same precise form and model; but that such as are willing to become auxiliary to the Association shall be designated as of three main classes, namely: (1) Branch Associations, similar to that at Philadelphia, (2) Local Departments, like the Boston Department of Health, and (3) Corresponding Committees.

"2. That in the Branch Associations, membership fees and assessments may be regulated according to the circumstances of the locality where such Association is formed; but that none shall be considered a Branch of the American Association until it shall have paid into our Treasury either the round sum of $300, or the annual sum of $15, or, in lieu of both, the value of $15 a year in publications. In consideration of such payment, the President, Secretary, and Treasurer, or any three members of the Branch Association, whom it may designate, shall be admitted as Members of the American Association, and the President shall be, *ex officio*, a Vice-President of the American Association.

"3. That Local Departments, now existing or to be established hereafter, may adopt special fees and conditions for membership, as the members thereof may choose; but each Department shall pay into the Treasury of the American Association not less than $5 annually, in consideration of which its Chairman shall be a member of this Association, and, *ex officio*, one of its Directors; and every such Department shall report its doings to the parent Association as often as once in three months, and once a month if required.

"4. That the Committees of Correspondence may be excused from all assessments and may have the opportunity of obtaining our publications at cost price, or by way of exchange for their own publications, and that the same privilege in respect to publications shall be extended to all members of Branch Associations and Local Departments.

"5. That if any amendments to the present Constitution shall be found needful in order to carry out this plan of local organizations, it shall be offered for consideration at the next Annual Meeting, to be held in Boston, Wednesday, October 14, 1874."

Besides the action contemplated in the above Plan, we aim also to establish intimate relations with special organizations working in the various departments of Social Science, such as Health Associations, Prison Associations, Conventions of Teachers, of Superintendents of Insane and Inebriate Asylums, and other specialists; in order that there may be good understanding and hearty coöperation between these several agencies and our own. To do this, or any other work of the kind, successfully, we need many members in all sections of the United States, and that these members shall do what they can to further the objects of our Association. We ought to have at least a thousand members, who should contribute the desired amount (not a large one) for the purpose of maintaining the Association in a state of useful activity, and among whom should also be prepared, in each year, papers on the subjects claiming discussion at our general meetings, and at the meetings of Departments and of Branch Associations. The British Association for the same objects, antedating ours by eight years, numbers now nearly a thousand members, and has attained a prominent position as an aid to legislation and to the promotion of measures for the good of society. It is the hope, and will be the effort, of the Executive Committee to make the American Association worthy of comparison with its British prototype.

The Officers and Members of the American Association at present (August 1, 1874) are as follows, in the various Departments and classes wherein they are enrolled.

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The above named persons, with the Chairmen of the Five Departments, make up a Council or Executive Committee, which meets in Boston on the last Saturday of every month. The Department Committees are as follows: —

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The President, Vice-President, and Secretary *ex officio* are members of the Executive Committee.

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AUGUST 1, 1874.

[It is understood that all members of the Executive Committee are also members of the Association, whether their names appear on the list as Life Members, Annual Members, etc., or not. In copying the list for publication, in order to avoid the duplication of names, those of the Executive Committee do not also appear among the members. Possibly some names have been omitted of members who are not officers; if so the Secretary will thank any person sending him an omitted name, or the correction of an address. The names of Life Members who have died are not retained on the printed list, and consequently the name of the late Professor AGASSIZ, who was a Life Member, is not here printed.]

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Higginson, T. W., Newport, R. I.
Higginson, Waldo, 10 Pemberton Sq., Boston.
Hill, Hamilton A., 25 Moorgate St., London, Eng.
Hillard, George S., 14 Pemberton Sq., Boston.
Holt, Henry, 25 Bond St., New York.
Hooper, Mrs. Anna S., 27 Commonwealth Ave., Boston.
Horton, S. Dana, 17½ West Third St., Cincinnati, Ohio.
Houghton, H. O., Riverside Press, Cambridge, Mass.
Hun, Thomas, Albany, N. Y.
Hunt, Richard M., 28 East 21st St., New York.
Hunt, T. Sterry, Institute Technology, Boston.
Hutchings, John, Lawrence, Kansas.
Ives, Col. Stewart, Big Rapids, Micasta Co., Mich.
Jackson, Miss, 88 Marlboro' St., Boston.
Jacobi, A., 110 West 34th St., New York.
James, Mrs. John N., 119 Boylston St., Boston.
Jenkins, J. Foster, Yonkers, N. Y.
Jennison, S., 46 Washington St., Boston.
Johnson, Miss A. E., Framingham, Mass.
Kelly, J. B., 244 State St., Albany, N. Y.
Kennard, M. P., 331 Washington St., Boston.
Kingsbury, F. J., Waterbury, Conn.
Kinnicutt, Thomas, Box 119, New York.
Krackowitzer, E., 16 West 12th St., New York.
Lawrence, Hon. A. A., 13 Chauncy St., Boston.
Lawson, L. M., 4 Wall St., New York.
Lea, H. C., 706 Sansom St., Philadelphia, Pa.
Lee, Henry, 40 State St., Boston.
Livermore, A. A., Meadville, Pa.
Livermore, Mrs. Mary A., Melrose, Mass.
Loring, C. W., 17 Pemberton Sq., Boston.
Low, A. A., 7 Burling Slip, New
ugustus, 60 State St., Boston.
Lynde ... William P., Milwaukee, Wis.
Lyman, Arthur T., 16 Mt. Vernon St., Boston.

Marshall, Charles H., 38 Burling Slip, New York.
Mason, John J., M. D., New York.
May, Rev. Samuel, Leicester, Mass.
McCurdy, Robert H., 10 East 14th St., New York.
Meads, Orlando, Albany, N. Y.
Merrin, William L., Newark, Ohio.
Minturn, R. B., 78 South St., New York.
Morgan, W. D., 70 South St., New York.
Munsell, Joel, Albany, N. Y.
Oelrichs, Henry, 68 Broad St., New York.
Olcott, Thomas W., Albany, N. Y.
Olcott, Dudley, " "
Olmsted, Fred. Law, Dep't Public Parks, New York.
Paine, Robert T., Jr., 42 Court St., Boston.
Parkman, Henry, Matthews Hall, Cambridge, Mass.
Peabody, Charles A., 100 Broadway, New York.
Peaslee, E. R., M. D., 29 Madison Ave., New York.
Perkins, Mrs. C. C., 2 Walnut St., Boston.
Perkins, E. N., Jamaica Plain, Mass.
Pickman, W. D., 15 Commonwealth Ave., Boston.
Porter, Charles H., Albany, N. Y.
Post, H. C., 68 Broad St., New York.
Potter, Howard, 59 Wall St., New York.
Potter, E. R., Kingston, R. I.
Pruyn, John V. L., Albany, N. Y.
Putnam, Charles P., 24 Marlboro' St., Boston.
Putnam, James J., 6 Park Sq., Boston.
Quincy, Hon. Josiah, 4 Park St., "
Quincy, Mrs. Mary, " " "
Ramsay, J. H., Albany, N. Y.
Rice, Lewis, American House, Boston.
Richards, Miss Caroline, 33 Hollis St., Boston.
Riddle, W. Q., 33 Wall St., New York.
Robbins, George A., P. O. Box 947, New York.
Rogers, Charles H., 80 Wall St., New York.
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Ropes, Joseph S., 60 State St., Boston.
Ruggles, S. P., 1045 Washington St., Boston.
Runkle, Prof. J. D., Institute Technology, Boston.
Salisbury, Stephen, Worcester, Mass.
Saltonstall, Leverett, 42 Court St., Boston.
Sands, Mahlon, 2 West 48th St., New York.
Schlesinger, Alfred, care Ed. Warburg & Co., New York.
Schmidt, L. N., 24 Barclay St., New York.
Schuyler, Miss Louisa Lee, 52 East 20th St., New York.
Schwab, Gustavus, 60 Broad St., New York.
Sewall, S. E., 46 Washington St., Boston.
Shaler, Prof. N. S., Newport, Ky.
Shattuck, George C., M. D., 18 Staniford St., Boston.
Shattuck, George O., 35 Court St. Boston.
Shimmin, Charles F., 5 Pemberton Sq., Boston.
Snow, Edwin M., M. D., Providence, R. I.
Stearns, John H., M. D., Washington, D. C.
Stevenson, Robert H., 38 Chestnut St., Boston.
Stokes, James, Jr., 104 John St., New York.
Stone, L. R., M. D., Newton, Mass.
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Sturgis, John H., 7 Pemberton Sq., Boston.
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Thayer, James B., 27 Court St., Boston.
Thrasher, J. S., Galveston, Texas.
Thurber, F. B., Box 3895, New York.
Torrey, H. W., 20 Oxford St., Cambridge, Mass.
Tousey, Sinclair, 119 Nassau St., New York.
Trumbull, Rev. H. C., Hartford, Conn.
Tucker, Charles, Syracuse, New York.
Urbino, S. R., West Newton, Mass.
Walker, Amasa, North Brookfield, Mass.
Walker, F. A., New Haven, Conn.
Walker, George, 14 Wall St., New York.
Ward, George C., 52 Wall St., New York.

Ware, Charles E., M. D., 41 Brimmer St., Boston.
Wayland, C. N., Waterbury, Conn.
White, Andrew D., Syracuse, N. Y.
White, Horace, Chicago, Ill.
Whiteside, Mrs. Alexander, Champlain, N. Y.
Wickersham, William, 13 Pemberton Sq., Boston.
Wilkinson, Alfred, Syracuse, N. Y.
Williams, Chauncey P., Albany, N. Y.
Winthrop, Robert C., Brookline, Mass.
Wolcott, J. Huntington, 238 Beacon St., Boston.
Wolcott, Mrs. J. Huntington, 238 Beacon St., Boston.
Wood, Rev. Horatio, Lowell, Mass.

## CONSTITUTION OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION.

*Adopted in Boston, October* 4, 1865 *; amended October* 13, 1869, *and December* 7, 1872.

ARTICLE I. This Society shall be called the American Social Science Association.

II. It shall include four departments : the first, of Education; the second, of Health ; the third, of Finance ; the fourth, of Jurisprudence.

III. It shall be administered by a President, as many Vice-Presidents as may be required to conduct the affairs of local sections, a Treasurer and Secretary ; an Executive Committee, charged with general supervision ; four Department Committees, established by the Executive Committee, charged with the supervision of their respective departments; and such local committees as may be established by the Executive Committee at different points to serve as Branch Associations.

The Executive Committee shall consist of the President, Vice-Presidents, Treasurer, Secretary, the Chairman of each of the Departments, and twenty or more Directors, with power to fill vacancies and to make their own By-Laws.

The President, Vice-Presidents, Treasurer, Secretary, and Directors shall be chosen annually on the second Wednesday of October, and shall hold office until their successors are chosen. The President, or in his absence a Vice-President, shall be Chairman of the Executive Committee. The Chairmen of the Department and local Committees shall be chosen at the pleasure of their respective Committees.

IV. *Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum, not exceeding ten dollars, as shall be fixed at the annual meeting. Any person may become a life-member, exempt from assessments, on payment of one hundred dollars. Honorary and corresponding members may be elected, and exempted from the payment of assessments.*

V. The Executive Committee shall have sole power to call and conduct General Meetings, and to publish the transactions and other documents of the Association. The Department Committees shall have power to call and conduct Department Meetings.

VI. No amendments of this Constitution shall be made except at an annual meeting, and with public notice of the proposed amendments.

## THE GENERAL MEETING OF 1874.

*Held at Association Hall, New York, May* 19–22, 1874.

It has been the custom of the American Social Science Association to hold two meetings in a year, besides department meetings. The Annual Meeting by the constitution is to be held in Boston, on the second Wednesday in October, which this year will fall on the 14th of that month. It is principally a meeting for business, — the election of officers, hearing of reports, etc. But it was formerly customary to have a few general papers read at the annual meetings, and this custom will be revived this year. The General Meetings of the Association for papers and discussions are held in different cities from year to year; sometimes in the spring and sometimes in the autumn. Those for 1871 and 1872 were omitted; that for 1873 was held in Boston (May 13–15, 1873); that for the present year was convened at New York, in the ample hall of the Young Men's Christian Association, from the 19th to the 23d of May last. There were seven sessions of the Association and three conferences in connection with the General Meeting. There were also two sessions of the Executive Committee in New York. The first of these with which the General Meeting began, was held at 3 P. M., on Tuesday, the 19th of May; the first General Session was on Tuesday evening at 7.30 P. M., and afterward, on the three following days, the general sessions were twice a day, at 3 P. M. and at 8 P. M., continuing until 5.30 P. M. and 10.30 P. M., at which hour on the 22d the sessions finally closed. The conferences of Board of Public Charities and of Board of Public Health began at 10 A. M., on Wednesday, the 20th of May, and continued at the same hour on Thursday and Friday. During the whole meeting, the persons who read papers, with their subjects and the order of business, were as follows:

*Tuesday Evening, May* 19.

1. An address by the President, GEORGE WILLIAM CURTIS, Esq.
2. A paper by the Rev. Dr. WOOLSEY, of New Haven, on *The Exemption from Capture of Private Property upon the Sea.*
3. A paper on *Financial Administration*, by GAMALIEL BRADFORD, Esq., of Boston.

*Wednesday, May* 20.

4. *The Duty of States toward their Insane Poor*, by Dr. JOHN B. CHAPIN, of Ovid, New York.

5. A report on *The Laws of Pauper Settlement in Massachusetts*, from the Jurisprudence Department.
6. A paper by Prof. D. C. GILMAN, of the University of California, on *California, a Study in Social Science*, read by Rev. E. W. GILMAN, of New York.
7. A paper by WILLARD C. FLAGG, Esq., of Moro, Ill., on *The Farmer's Movement in the Western States*, read by the General Secretary.
8. A paper by D. A. WELLS, Esq., of Norwich, Conn., on *Rational Principles of Taxation.*
9. A paper by Prof. BENJ. PEIRCE, of Cambridge, on *Ocean Lanes for Steamship Navigation.*
10. A paper by GARDINER G. HUBBARD, Esq., of Boston, on *American Railroads.*

*Thursday, May* 21.

11. A discussion on *The Powers and Duties of Boards of Health.*
12. A paper by Dr. J. FOSTER JENKINS, of Yonkers, New York, on *Tent Hospitals.*
13. A paper by Dr. ALFRED L. CARROLL, of New York, on *Sanitary Science in Schools and Colleges.*
14. A paper by GEORGE T. ANGELL, Esq., of Boston, on *The Protection of Animals.*
15. A report from the Health Department, by Dr. D. F. LINCOLN.
16. A report from the Finance Department by Prof. W. G. SUMNER, of New Haven.
17. A General Discussion on Financial Questions.

The speakers in the debate were GEORGE WALKER, Esq., of New York, who presided; DAVID A. WELLS, Esq., of Norwich, Ct.; CHARLTON T. LEWIS, Esq., of New York; CHARLES MORAN, Esq., of New York; GAMALIEL BRADFORD, Esq., of Boston; SAMUEL B. RUGGLES, Esq., of New York.

*Friday, May* 22.

18. A paper on *The Powers and Duties of City Boards of Health*, by Dr. STEPHEN SMITH, of New York.
19. A paper by Dr. ELISHA HARRIS, of New York, on *Vital Registration and the Proper Use of Vital Statistics.*
20. A report of the General Secretary, F. B. SANBORN, on *The Work of Social Science in the United States.*
21. An address by CEPHAS BRAINERD, Esq., of New York, on *The Social Science Work of the Young Men's Christian Association.*
22. A report from the Department of Social Economy, on *Pauperism in the City of New York*, read by Dr. R. T. DAVIS, of Fall River, Mass.

23. A paper by Dr. E. M. Gallaudet, of Washington, on *The National Deaf-Mute College.*
24. A paper by Z. R. Brockway, Esq., of Detroit, Mich., on *The Reformation of Prisoners*, read by Hon. H. B. Brown, of Detroit.
25. A paper by Hon. Andrew D. White, of Cornell University, on *The Relation of National and State Governments to Advanced Education.*
26. A paper by William W. Greenough, Esq., of Boston, on *Public Libraries.*

At the first and last session the President, Mr. Curtis, occupied the chair; Dr. Woolsey presided at the second; Mr. Charles Moran at the third; Jackson S. Schultz, Esq., at the fourth; Mr. George Walker at the fifth; and Mr. G. Bradford at the sixth. On Wednesday, May 3, at 10 A. M., there was a conference of the Boards of Charities in the United States, Hon. J. V. L. Pruyn, President of the New York Board, in the chair; and a conference of Boards of Health, on Thursday, at the same hour, Prof. C. F. Chandler, of the New York Board, in the chair. There was also held a conference of the Boards of Health and of Public Charities united, on Friday, May 22, at 10 A. M. Delegates from the State Boards of Public Charities and Health of New York, New Jersey, Massachusetts, Connecticut, Maryland, and Wisconsin, were in attendance; and nearly all the boards in the country were represented either by delegates or by letters. At this final conference — Dr. Stephen Smith, President of the Health Department of New York City, occupying the chair — reports were made by committees appointed at the conference of Wednesday. The Committee on Uniformity of Statistical Reports, and Coöperation between Boards of Charities, made a preliminary report through their chairman, Mr. F. B. Sanborn, a delegate from the Massachusetts Board, and asked further time for correspondence and consultation, in order to complete the report. Dr. Nathan Bishop, for the Committee on Buildings for the Poor, made a preliminary report, and asked for further time. Both committees were authorized to report in full at some future day; and a third committee was voted to consider the best method of providing for the children of paupers and for young delinquents, to be appointed by the chairman of the Friday Conference. Fuller reports of the proceedings at these conferences will be found in connection with the papers read thereat. The Conference of the Boards of Charities is reported in this number of the Journal. The Health Conference, with the papers on Sanitary Subjects, will appear in the seventh number of the Journal, to be published in September.

At the first session of the Association, on Tuesday, the votes of the

Executive Committee respecting papers to be furnished for the Social Science Congress, at Glasgow, upon invitation of the British Social Science Association, were read and approved, as follows: —

At a meeting of the Executive Committee of the American Social Science Association, held in New York on the 19th inst., the resolution of the National Association for the Promotion of Social Science in Great Britain in regard to the papers on American subjects for the Glasgow Social Science Congress in October next being under consideration, it was voted that of the three subjects specified, the first, "Poor Laws and the Public Charities," be assigned to Mr. Sanborn, the General Secretary; the second, "Public Education," to Hon. Andrew D. White, President of Cornell University; and the third, "The Health of American Cities," to Elisha Harris, M. D., Registrar of Vital Statistics for the City of New York; and that these gentlemen be requested to forward papers on the above-named subjects to Mr. C. W. Ryalls, General Secretary of the British Social Science Association, on or before the 1st of September next. It was also entered in the records that Professor Peirce has been delegated to represent the American Association at the Glasgow Congress, and to present a paper on "Ocean Lanes for Steamship Navigation." It was further voted to invite Mr. David A. Wells to furnish a paper on some American financial topic for the Glasgow Congress.

The resolution above referred to, adopted by the National Association of Great Britain, for the Promotion of Social Science, and transmitted to the American Association with an explanatory letter from Mr. C. W. Ryalls, was also read, as follows: —

*Resolved*, That the offer of the Committee of Arrangements of the American Social Science Association be accepted with thanks, and that the Committee be requested to contribute papers to the Glasgow Congress on the following subjects:

1st. Poor Laws and Public Charities.
2d. Public Education.
3d. Health of American Cities.

The persons above designated to write papers for the Glasgow Congress have accepted the invitation (with the exception of Mr. Wells); and Professor Peirce sailed for England on the 10th of June, to present the subject of "Ocean Lanes" to the consideration of the two Associations in Great Britain to which he was delegated, the Social Science Association and the British Association for the Advancement of Science. Upon hearing his paper on this topic at the evening session of May 20, a committee was appointed by the American Association to urge practical measures for the safety of ocean steamships and of their passengers upon the governments and the private corporations having power to deal with the question. Several of the gentlemen appointed on this committee having declined, it now includes the following names: Robert B. Forbes, Esq., of Boston, *Chairman;* Prof. B. Peirce,

*Cambridge;* James Sturgis, Esq., *Boston;* Robert H. McCurdy, Charles H. Marshall, George W. Blunt, and W. D. Morgan, Esqs., *New York;* Francis R. Cope, Charles Platt, and J. Vaughan Merrick, Esqs., *Philadelphia;* and Thomas Whittridge, Esq., of *Baltimore.*

It is expected that this committee will make a preliminary report at the annual meeting of the Association in October.

Upon accepting the chairmanship of this committee, early in July, Mr. Forbes addressed a letter to his colleagues, directing their attention to certain publications concerning the subject. From the letter the following extract is taken, as of general interest: —

LETTER OF R. B. FORBES, ESQ., JULY, 1874.

The original pamphlet published by the Board of Underwriters of New York in 1855, now before me, contains in suitable form pretty much all that can be said on the subject. It is well illustrated by a chart of the routes recommended, as well as by diagrams showing the condition of the weather, as derived from the examination of 46,000 days, comprised in the logs of ships. I recommend to the Committee to study this work, which has recently been reprinted by the United States Hydrographic Office. Commodore R. H. Wyman, who was in charge of the office at the time of this publication (1872), introduces the subject in the following words, —

"UNITED STATES HYDROGRAPHIC OFFICE,
WASHINGTON, D. C., *October* 4, 1872.

"It seems appropriate at the present time, when the ocean steamers between the United States and Europe are so numerous and still on the increase, to republish a paper on 'Steam Lanes across the Atlantic,' written in 1855 by M. F. Maury, LL. D., etc., then a lieutenant in the United States Navy. The adoption of these or similar prescribed routes, for the passages to and from Europe, would most assuredly give greater security to life and property, and reduce the dangers of navigation to those which may be encountered on less frequented routes."

Besides this introduction, Commodore Wyman goes on to speak more at length of the great advantages to be derived from following the Maury Lanes, and ends by quoting from Maury thus: —

"I therefore content myself with laying before them the following correspondence, and with saying that the recommendation therein contained has met with favor from the right quarter, both in Boston and New York, and from every sea captain with whom I have had an opportunity of consulting."

It may not prove entirely irrelevant to mention the origin of the "Lanes." The first communication to Lieutenant Maury that I find on the subject and alluding to others, bears date 11th December, 1854. In this letter I state, — "You must show in *figures* just how much

distance is lost by giving Sable Island and Cape Race a good berth, and balance the account by diminishing fogs and chances for collision and wreck on rocks." In his reply, Lieutenant Maury alludes to a paper on the Packet Ships of New York, which he says was published in the January number of the "Southern Literary Messenger" for 1839. He alludes to the first steamer regularly used on the line (the *Great Western*, Captain Hoskins), and he alludes to shortening the distance some seventy to eighty miles, by following the great circle. Great-circle sailing was at that time a comparatively new thing. Maury furnished Hoskins with a chart illustrating the great circle route, and says, "Hoskins kept it to himself, sailed by it, and thus his short runs in comparison with his competitors are explained." He also alludes to gaining some 200 miles by keeping in the Gulf Stream going east. In this letter he estimates the distance to Cape Clear, giving Cape Race an offing, at 2,870 miles, and returning by the great circle, 2,690 miles or knots. He also speaks as to the breadth of the lanes, asks me to inform him as to how nearly steamship navigators could estimate their latitude when deprived of observations, and says that when he has these data he will project the lanes. Early in 1855 I consulted him as to bringing his written theories into notice by a lecture. I cannot find my letter to him, but I find his reply, dated 19th February, 1855, in which he writes, "Your idea of bringing the lanes into notice is a capital one. I approve of it most heartily in all its details, except the *benefit*." It would appear that I proposed to call the public attention to it by a lecture and give him the financial benefit, and he answers thus, — "I do not know why I should hesitate about that, unless it be because of that sort of pride which goes with poverty, and a vague sort of fear that anything like the idea of *pay* would, in the minds of some, operate to the prejudice of the lanes or of myself. I am, however, clear for the lecture, and am quite willing to leave the matter that is personal to Curtis and yourself, or any other Boston friends whom you may consult. Diagrams will be very necessary to you, and you are the most fit lecturer. After navigators shall have used these lanes a year or two, and returned *well-kept* logs, we shall know all about them, and perhaps be able to improve their position, etc., etc."

The allusion to Curtis, refers to the late Thomas B. Curtis, who felt great interest in the subject, and whom I consulted. At page 4 of the original pamphlet, and page 7 of the one republished by Commodore Wyman, in a letter of certain underwriters and merchants (myself among the number) to Lieut. Maury, of date January 8, 1855, the following words occur: "We have observed a suggestion in your letter to Walter R. Jones, Esq., of New York, proposing one route for steamers to go, and another to come, of which you cite our fellow-

citizen R. B. Forbes, Esq., as the original author." I have some doubts as to whether Mr. Curtis does not deserve equally with myself the credit of the original suggestion. I think he does, but I cannot find any proofs. The state of his health at that time made it necessary to confer with him personally and not by letter. I shall endeavor to find the original letter alluded to, addressed to Walter R. Jones, as this would seem to have been the principal step towards the illustration of the lanes, and it may contain something important not mentioned in the pamphlet reply, dated 15th February, 1855. Whether the suggestion came originally from Mr. Curtis or myself, and whether it was called forth by Maury's writings, in which we both took great interest, is of no consequence now, and I only mention it in order not to claim exclusive credit for an idea which though only recently made the subject of grave deliberation, ought to have occurred to all, and been acted upon long ago.

Now that we have a steamer leaving Europe or North America on the Atlantic every five or six hours, no amount of argument should be necessary, and no pains omitted to induce all to adopt the "Maury Lanes." In looking over Maury's pamphlet I find the subject so fully treated, that, as I remarked in the beginning, there is very little to be said in addition thereto. One advantage in the lanes will be found in knowing, on board of a disabled vessel, or in boats from an abandoned vessel, when in the vicinity of the European tracks, exactly where to find relief. This is assuming that the party in distress knows where he is, and this brings to my mind the subject of metallic boats and compasses. The metallic boat, if properly constructed, is better than a wooden one for steamers, but it would surely affect the compass, and render close navigation impossible.

It is to be hoped that our worthy coadjutor, Professor Peirce, now in Europe, will confer with parties interested in the adoption of Maury's Lanes, and bring back to us such information as will tend to insure their adoption. In the mean time let passengers going to Europe give the preference to those who adopt them; this will do more towards introducing them than any legislation or any action by scientific and social associations.

In presenting this preliminary paper to the Committee my principal aim has been to get at further material for the discussion of the subject, and to induce those of my associates who have not studied the subject to do so, and give their impressions, in order that we may be fully prepared to confer with other associations, and especially with any Commissioner who may be appointed under authority of Congress.

P. S. — *25th July.* — Since this communication was commenced I have received from Commodore Wyman, pamphlet No. 49, issued by

the Hydrographic office. At page 4, I find it stated, after alluding to Maury's work, "We shall see if the question has been sufficiently examined, and if the general conclusions arrived at by Maury should be adhered to." And at page 12 are given certain extracts of observations in 1872 by the German Observatory, in which Herr Von Frieden, after discussing the subject, comes to the conclusion that Maury's lanes do not indicate the best route as to time, and he goes on to say: —

"The only available plan seems to be to adopt one of three alternatives, viz.: —

1st. To devote to the exclusive use of steamships (an apparent impossibility) that part of the ocean traversed by them.

2d. Simply to declare this a dangerous one, and warn shipmasters to exercise the greatest vigilance on approaching it, or;

3d. And above all, to render obligatory the precise routes given in these tables, and to publish detailed descriptions of them for the benefit of mariners of all nations.

This last proposition is recommended to the consideration of maritime powers, to serve as the basis of an international treaty."

In regard to these three alternatives, I have to say that the first is impossible. The second would merely be reiterating a caution like those at the corners of unaccepted streets, — "Private way, dangerous passing," — which navigators would care little about; and the third is objectionable because different tracks for every month would be complicated and difficult to illustrate clearly to the eye of the ordinary navigator.

Having opened a correspondence with Commodore Wyman, and desiring if possible to be in concord with his views, which he promises to give me, I shall reserve for another letter what I have to say further on the subject, and I have now only to add, that in my opinion, the lanes or tracks should *not be merely for the saving of a few hours, but principally for safety and convenience.* Trusting that this view may be in accord with yours, I am, yours, etc., etc.,

R. B. F.

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## ABSTRACT OF THE FINANCIAL DISCUSSION.

THURSDAY EVENING, MAY 21, 1874.

At the discussion on Finance appointed for the evening of Thursday, May 21, GEORGE WALKER, Esq., formerly Bank Commissioner of Massachusetts, was invited to the chair. In calling the meeting to order, Mr. Walker said, —

For the first time in the present generation the dominating interest before the country is finance. It absorbs the attention of Congress as it has not done

since the days of Gen. Jackson and the United States Bank. It is true that financial measures of a more momentous character than those now under discussion were enacted by Congress ten years ago ; but that was during the war, when their importance was dwarfed by the grandeur of the struggle of which they seemed but insignificant incidents. Outside of Congress and the small body of bankers and capitalists, the finance measures of the war were not seriously considered or scrutinized. Indeed, they followed each other in such rapid succession that it was hardly possible to consider them separately in their antecedents or their consequences.

On the other hand, many things now conspire to give unusual and merited prominence to the financial policy of the country. The panic of last fall, and its attendant train of disasters ; the absence of any absorbing party issues ; the weakness of party organizations ; and, finally, the conviction which is at last brought home to a large portion of thinking people, that this is a personal and domestic question, the right settlement of which affects the smallest communities and households.

Since the war ended a desperate struggle has been going on in this country, between the exuberant life and vast natural resources of the nation on one side, and a false political economy on the other. An attempt has been made to prove that America is an exceptional country, and is not subject to the laws of finance and public and social economy which govern the rest of the civilized world. But the struggle is ended, and the attempt has ignominiously failed. For a time it was hoped and feared that the President was a victim to the hallucinations which blinded some of his most loyal followers, but in his own simplicity and strength he has emerged from the mists which obscure the Capitol, and seemed to hang over the White House, and has given the 'coup de grace' to a series of measures pending in Congress, which menaced the credit of the nation abroad and its prosperity at home. The effect of the veto has been most remarkable, both in and out of Congress. It has settled the question as to what may not be done, and it has settled it on broad principles, and not merely in details. No measure, therefore, is likely to be presented for the President's signature which looks towards inflation, or militates against a reasonable progress towards specie payments. All besides this — especially all that relates to banking, is fairly open and debatable. The community may safely settle down under the assurance that no further steps backward will be taken.

But more gratifying than its influence in Congress has been the reception of the veto out of Congress both in Europe and this country. A newspaper of this morning invites attention to the fact that United States five per cents. are now two or three per cent. above par in gold, both in the home and foreign markets, and bases on this fact the timely suggestion that Congress shall authorize and the President shall undertake the funding of the remaining sixes into five per cent. bonds. I have never believed that more than this can be accomplished, bearing in mind the price of the best Government securities of Europe, in other than their home markets. English consols are an exception only because their amount is limited, because they are fully absorbed in trusts or where absolute security is more regarded than income, and they are known and quoted only at home. In this connection I do not think there is any impropriety in my stating that, when in Europe in June, 1865, as the agent of

the Treasury Department, the representative of the Rothschilds, at Berlin, Herr Bleichröder (a man since celebrated as the financial adviser of Prince Bismarck), said to me that if things went smoothly in the United States for a couple of years, he had no doubt his house would be willing to take two hundred millions of our bonds at five per cent. Remember that this conversation occurred less than two months after the surrender of Lee, and that this clear-sighted financier anticipated the exact operations of the syndicate, which did not take place till more than four years afterward.

The reception of the veto at the West shows how sadly misrepresented that vast and powerful section of our country has been in respect to inflation. The great constituency of repudiators who have frightened so many Western Congressmen out of all sincerity of opinion or action on the finances, is found not to exist. The Western farmer has proved a better political economist than his representatives. He is beginning at last to understand, that a section of country which sells its great staples at prices fixed in hard-money countries cannot longer afford to encourage the maintenance of a currency which adds largely to the price of all it has to buy. Having, in fact, returned to a specie basis in its own commerce, the West is above all other sections interested in forcing the whole country back to the same standard. How to return to specie payments is, of course, a most difficult problem; but if all the country were agreed, it would not be difficult to take steps in that direction. The example of France in her recent troubles is worthy of careful study and of imitation. No such burdens were ever so successfully borne; no such difficulties ever so quickly surmounted. Two things have chiefly contributed to this result — the industry and economy of the people and the soundness of the banking and currency system. Before the war the Bank of France held in specie an amount nearly equal to its paper issues, and there was a vast circulation of the precious metals in the hands of the people. Though the gold disappeared with the war and the suspension of cash payments, comparatively little of it left the country, the Government paying as large a portion of the indemnity as possible in the form of bills on England and Germany. The panic of last fall is full of instructive lessons, which, in the stagnation it now suffers, are being slowly digested. It was caused by overliving, by an excessive growth of public and private indebtedness, and by the over-absorption of quick capital into fixed investments. This last is the one invariable phenomenon attending all periodical crises. It comes from natural causes, and cannot be altogether helped, but it can be greatly aggravated by bad finance and bad banking, as I am of opinion it was in our case. Debt, however, was the special curse which we brought upon ourselves — national debt, municipal and corporate debt, individual debt.

In painful contrast to the frugal habits of the French people has been the extravagance of our own. We all spent money recklessly. The annual budget of the nation has been far greater than it ought to be. Our cities have laid out too many parks and boulevards and built too many water-works and costly buildings, excellent as many of these things are in themselves. Railroads have been built not in answer to the demands of population, but to suit the purposes of contractors, of importers of iron and sellers of bonds. How this bond-selling came to be a lucrative business is one of the curious results of the war. The Federal Government created of necessity a vast debt, which

was at first loyally taken up at home. But the high price of gold, in which the bonds are payable, but for which they were not sold, made them a tempting purchase in Germany. We must now frankly confess that the sympathy of Continental Europe, as shown in the rapid absorption of our bonds, and which in our more enthusiastic days we set down to an enlightened and liberal political sentiment, was, after all, only the sympathy of the pocket and the instinct of ten per cent. But it served us well at the time, though in the end it did us injury by encouraging the creation of railway debts far in advance of the wants of the country for new lines, warming into life many enterprises, the wrecks of which now strew the shores of the Atlantic on both sides. The rapid export of the five-twenties created a vacuum in this country. Now, as nature is said to abhor a vacuum, the financial caterers made haste to fill it. Railway bonds were prepared having a close resemblance to the familiar five-twenties. They were headed with the title and insignia of the United States, and were adorned with all the bravery of colored printing and gilt letters. The convenient little coupons, which had commanded money everywhere on their semi-annual presentation, were not wanting. What wonder that these papers, so calculated to deceive the unwary, were readily taken by the mechanics and farmers of the country little accustomed to inquire into the basis of such securities.

The fatal facility with which the Government disposed of its obligations tempted all lesser bodies to try their hand at borrowing. Thus States, counties, cities, towns, and manufacturing as well as railway companies set themselves at work to print and sell bonds; while individuals, considering themselves in the light of corporations sole, and entitled to share the corporate privilege, emulated the higher example. The style of living advanced so much that it became necessary to have great profits to sustain great expenses. No doubt a large amount of the personal dishonesty which the last two or three years have unveiled has been due to the exigencies of luxurious living. It has made slaves of all, and ruined not a few. Neither as a nation nor as individuals are we content to move slowly. The rewards of a life-time of steady work and economy must be grasped in a few years. We drink the wine of life, not with temperate enjoyment, but to drunkeness. It is painful to see so few old men among us. There are gray heads not a few, but they are on young or middle-aged shoulders. The ruddy and vigorous men of threescore years and ten of whom one sees so many in old countries, and especially in England, do not live in New York — hardly anywhere in America. It is a good time to think of these things when enforced idleness leaves much time for thinking. The passionate life of the war cannot last always; it wastes too rapidly. Let us be content with less, and take more time to enjoy it. With a prevision of our times and our countrymen, wrote the wise Hesiod,

"Νήπιοι, οὐδὲ ἴασιν, ὅσα πλέον ἥμισυ παντός."

"Foolish and shortsighted are they, since they know not by how much the half is greater than the whole."

Professor Sumner, Secretary of the Finance Department, then read a report, which will be found at the close of this number. After the reading, the chairman called upon several gentlemen present to take

part in the discussion of the questions under consideration, and brief remarks were made by Mr. Charlton T. Lewis and others.

Mr. Lewis said he would confine himself to one remark made by Professor Sumner, whose observations called attention to a work which lay not merely before the Association, but before all who had a conception of the crisis through which we were passing. That work was the education of the voters of the nation in some of the elements of the great question of finance. The great difficulty of that question lay in the fact that it was not understood. Professor Sumner, had not argued the question of irredeemable currency; he had not attempted to show that the legal-tender act was unconstitutional, for obvious reasons. Another difficulty was, that in this country legislation was not adopted as a matter of scientific truth, but as an expression of the political opinion, not of educated men, but of the masses, whose opinions were formed under the most indefinite conceptions. Was it possible, he asked, that the voters of the country could be made to see that their prosperity was at stake? He believed that the great question of importance before the Association was, whether it was not possible that the political convictions of the masses might not be brought in accord with scientific truth. What man would go before the people of the United States and instruct them on this financial question, and explain to them the effects of an irredeemable currency and its train of evils? — a system which destroyed the morals of public life, and injured the prosperity of the country in the highest sense.

Mr. David A. Wells. There is so much to be said on this subject that I hardly know what topics to take up. But as I listened to Professor Sumner's admirable paper, it occurred to me that I might possibly put in a few facts to fill up the outline. I think if we would reason correctly on the situation under which the country finds itself to-day, that we must go back as far as the year 1857, and follow up the course of history since that time. The panic of 1857 was one of the most severe that has ever visited any country, but it left us in a healthy condition, and there never has been a time in the history of the country, when we grew with so much rapidity as we did from 1857 to the breaking out of the war. People worked then and people economized; there was more money saved and earned at that time than we have seen within almost any three years of our existence. Then the war came, bringing with it, first high taxation, mainly in the form of tariff rates and taxes on manufactures. Then followed the legal-tender law with all its attendant evils, and from that time these influences have contributed to restrict our growth and development. In fact, there is no subject more interesting, no investigation more important, than to go over the experience of those years, and dig out one by one the great facts that show in what way bad legislation and bad finan-

ciering have operated to restrict our growth. And I have one striking fact before me, and one to which I want to bring your attention to-night. I think in the whole history of commerce there never has been anything more significant than the Reciprocity Treaty with Canada, negotiated in 1853–54. Before the treaty, the aggregate of the exports and imports of this country and Canada, or the aggregate of the exchanges of the two countries, was something like $20,000,000 per annum. In 1853–54, we negotiated and put in operation a treaty of commerce, by which the main products of the countries were exchanged between the two. What was the result? The very first year the treaty went into operation, the exchanges of the country went up from twenty millions of dollars to thirty millions, and in the next year they rose to forty millions, and they went on rising, until the last year of the treaty (1865–66) when they attained the maximum of $84,000,000 per annum. The effect of annulling this treaty was that the exchanges fell down from something like $84,000,000 to $57,000,000, and the next year to something less, and then, having reached the lowest point, we began to climb up again.

Now, if we had free and unrestrained commerce between the two countries, instead of selling Canada, as we sold her last year, only $32,000,000 worth of material, we should have sold her $47,000,000, and with that additional $15,000,000 we would have leavened the whole loaf of our industry. Were this the case, how many manufactories we would have in operation and how many American-built ships would we have on the ocean in operation to-day. [Applause.] Under these circumstances we should not have to regret the condition to which we have fallen. Through the defects in the currency of the country, also, its full development has been materially prevented. An illustration which suggests itself to my mind is this. Three years ago I had an interview with an embassy that came from Japan, and some facts there and then presented themselves. I found that that embassy, composed of some of the chief men of Japan, came to this country with the kindest possible sentiments in regard to the United States. There was nothing which they were not willing to do in exchange for what we might do for them. They reported a population of between 30,000,000 and 40,000,000 of people, passing from a state of oriental civilization to European civilization, and sending to this country their products in exchange for what this country is able to give. Japan has no cotton of any consequence, few draft animals, few horses, and very little material for carrying on the manufacture of leather goods. The Japanese have no sheep, and no material for the manufacture of woollen goods, and yet they require in these respects sufficient material for protection against the cold. This country was passing into a state of European civilization, and required leather goods, woolen and cotton

goods, the things which of all others the United States was specially adapted to produce, because the bulk of the work of this country is performed by machinery, and the raw material we are particularly fitted to produce, and Japan has to give in exchange an abundance of silk, tea, fibres, gums, and the material for the manufacture of paper. And yet when these Japanese came over here, the Yankees of the East, looking at the value of a shilling, they found out very soon, as it were, that their dollar and their shilling could not buy them as much in this country as in almost any other. What is the result? Why, the great trade we might have developed in connection with that nation of thirty millions people — a population almost equal to our own — is simply passing by us, and we have lost the control of the Pacific. I understand that last year there sailed out of German ports twenty-nine vessels having on board such of their products as were to be consumed in Japan. . Here is another matter to be considered in reference to our financial difficulties. A few years ago a committee was appointed by Congress to investigate the condition of American shipping on the high seas, and a friend of mine, Mr. Lynch, of Maine, was at the head of the committee. The result of that investigation showed, as any man who understands the matter can prove, that before the year 1856, lumber came over from Canada free of duty and was worked up by us and our machinery into houses and the like, and sent all over the world. After 1856, twenty per cent. duty was put on, and our people moved their capital and machinery across the line, or the Canadians took up the business where we dropped it. Business, therefore, passed into the hands of the Canadians, and whereas in 1866 no vessels built of foreign material sailed out of British ports, they now have the trade to themselves almost exclusively. In conclusion, Mr. Wells remarked that all that was now necessary was for the people to understand the situation, and put some one in the executive management of the country who understood its conditions and would faithfully attend to its interests.

The Chairman said that while he was unqualifiedly in accord with the general sentiments expressed by Mr. Wells, and the very able paper of Professor Sumner, there yet occurred to him an idea or two which he desired to express. He was aware that he was speaking from the unpopular side of the subject, because he was brought up as a protectionist and still adhered to that platform. When, therefore, Professor Sumner imputed to the spirit of protection a disposition to limit the hours of labor, and to limit the quantity of production, he seemed to be following the old maxim, and perpetuating the bad name of the dog. Now, where did the idea and practice of restriction originate but in the great protective country of the world, — in England? England, too, gave birth to the limitation of the hours of labor, through her

trades-unions, and the restriction of the hours of labor was at the very bottom of the trades-unions movement. This spirit of restriction, both as to hours of labor and production, was foisted upon this country from Europe, and is not indigenous to America. But after all, is there not a great deal of philosophy in the idea? Should our furnaces be run to their full capacity, and our iron-masters go on making iron without any regard to whether they can sell it, and should our merchants go on importing without knowing whether there is likely to be a demand for their goods? As he understood this question it was purely one of supply and demand. The remarks of Mr. Wells about Canadian reciprocity recalled to the Chairman's mind the fact that Professor Goldwin Smith, who had spent some years in this country and Canada, had recently in England publicly defended the principle of protection from a Canadian point of view. Now, the whole world, in a sort of abstract way, looked upon free trade as the ultimate goal to be attained; but it may be doubted whether the world would ever, in an infinity of years, reach that goal. It was not to be doubted that the interests of the various countries of the world are widely divergent, and the world is not one nation. The example of the Zollverein in Germany was as remarkable as that of England, and it was beyond question that Germany had within the past few years reduced the cost of production to such a minimum as enabled her to compete with England. It appeared, however, that Professor Sumner had been inclined to overlook entirely the social aspect of this whole topic of free trade. The "Economist" lately presented some good ideas concerning it, in which that journal said the popular argument that sheep-farming was the only business which Australia should develop simply because she could produce sheep cheaper than any other country, was a very hard suggestion toward the welfare and prosperity of the colonists. Why? Because the Australian needs development, and desires it as deeply as does any other man of progress; and a country can only be developed by the development of the manufacturing as well as the productive industries. To condemn Australia to a career of perpetual sheep-farming, and to that exclusively, would be to limit her growth and cripple her intellectual advancement. As nations at peace with each other are drawn more closely together by the ties of commerce and industrial enterprise, all these interests which are now discordant may be blended into an international harmony. We must remember, however, that that time has not yet come, nor, indeed, does it appear very imminent.

Mr. Charles Moran said that the financial question is, What are the instruments of exchange that we have? It is customary to condemn paper money, and this is just on the issue of Government paper money, which, instead of adding to the prosperity of the country, takes

away from it. Government money must be put at the bottom of the list of all money; and bank money, which is the very best that ever was imagined or that man has ever dreamed of, must be put at the top. The great error is to suppose that a certain amount of currency will always be exactly the proper amount needed. Lord Overstone and Sir Robert Peel fell into this error. Sir Robert Peel issued £14,000,000; no more was to be issued at any time, and it was then supposed that a uniform amount of money was wanted. Have the exchanges of the world ever been made in bullion alone? To-day coin and bank notes, as shown by Sir John Lubbock in England, and in this country by the Clearing-house, only represent from three to four per cent. of the payments made, and the remaining ninety-six to ninety-seven per cent. are paid in London and New York in commercial paper. What would be the difference if even the three or four per cent. were to be doubled? This has entirely escaped the attention of the economists. Increased production needs an increase of the amount of exchange; and production increases every day.

Mr. Bradford said he cordially agreed with Professor Sumner in his opinion that republicanism was now on its trial, and that on this question of finance the fate and future of the people of this country were involved. He sympathized with those people who, as one of the results of the war, acquired a new faith in republicanism. He held, however, that this was a very different matter, and was to be settled in a very different way. When the rebels were at Gettysburg, was there any talk of educating the people of the North up to the task of conquering them? No; we went to West Point and tried the men who were trained there. We found General Grant and he took Vicksburg; found General Meade and he conquered at Gettysburg. This question of finance was one on which the people in this room could not agree; and how, therefore, was it possible that the people of the United States could agree about it? If they would settle this question, they should have a man who would take the reins and drive. The Secretary of the Treasury had no power to make laws, and the men who made them had no responsibility for their effect. Everything that was now done was the result of a compromise. How was the system to be carried on in this way? Instead of pressure coming from below, it should come from above. It was personal force that would solve the difficulty, and when they had a man in the Treasury that would be able to act there as General Grant did at Vicksburg, they would carry him over Congress, and it was thus that the difficulty would be solved.

Mr. Samuel B. Ruggles made a brief address, in which he alluded to the variable value of a dollar. A dollar, in his estimation, should represent 25.8 grains of gold, but it now only represented about twenty-

one or twenty-two, and if General Butler and Mr. Logan had their way in Congress it would soon be not worth even that figure.

About half the papers read at the ten sessions of the General Meeting were discussed by experienced persons, but no full report of these discussions could be made. Such as have been reported, briefly or fully, will be found in this and the succeeding numbers of the Journal.

The Address of the President, the Reports of the Secretary and of Dr. Lincoln, and the papers of Dr. Woolsey, Mr. Bradford, Mr. Hubbard, Dr. Gallaudet, Mr. Brockway, and Mr. Greenough were not discussed at all, either from the lateness of the hour at which they were read, or from some other cause. In lieu of a discussion, in some cases, the editor has printed information or suggestions bearing upon the subject of the paper, — as, for example, in connection with Mr. Brockway's paper, the valuable suggestions made by Sir Walter Crofton to the New York Prison Association concerning the conditional release of convicts. At the close of the paper read shortly before Mr. Brockway's by Mr. Angell, President of the Massachusetts Society for the Prevention of Cruelty to Animals, after Mr. Henry Bergh had spoken, Hon. Jackson S. Shultz, former President of the Metropolitan Board of Health of New York, who presided at the session, assured the Association that Mr. Angell had rather understated than exaggerated the cruelties inflicted upon animals, as shown in his official experience, and expressed the hope that the subject would now attract public attention more generally and reforms be instituted in this country which had long been introduced in some parts of Europe. Some recent information respecting the treatment of this subject in Europe will be found annexed to Mr. Angell's paper.

No vote or other action of the Association was had, nor was any resolution moved upon the financial questions under debate; but the whole tone of the speakers and the response of the audience showed that those present favored a return, as soon as possible, to a specie basis for public and private financiering.

On other subjects a few resolutions were introduced and votes were passed during the General Meeting. A resolution passed by the Conference of Health Boards in favor of the general establishment of Boards of Public Health in all the States of the Union, was adopted by the General Meeting. The plan of forming Branch Associations, Local Departments, and Committees of Correspondence auxiliary to the American Social Science Association (printed on pages 2–3), was read at one of the sessions for the information of the members present. The votes passed are to be considered as expressions of opinion or as suggestions to the Executive Committee, the transaction of formal business at a General Meeting of the Association not being customary,

and such votes not being regarded as explicit instructions to the Executive Committee. Under the vote favoring the circulation of the report on "Pauperism in New York" as a cheap tract, the Committee have already obtained its publication as a part of the annual report of the Boston Overseers of the Poor, in which form it will reach several thousand readers. The vote in regard to the paper of Dr. Jenkins, will be carried out when that is published along with the other sanitary papers in the next number of the Journal. The votes and resolutions above alluded to are as follows: —

*Resolved*, That it is expedient to establish State Boards of Health in all the States where they do not now exist, and that in these and other States the Supervision of Registration and the Collection of Vital Statistics should be assigned to the Board of Health.

*Resolved*, That Dr. Jenkins be requested to annex to his paper on "Tent Hospitals" simple diagrams illustrating this subject, and also formulas for further inquiry and observation, and that, when this has been done, the Executive Committee of this Association be requested to publish a separate edition of the paper and to distribute it carefully throughout the country.

*Resolved*, That the Executive Committee be requested to print and circulate in a cheap tract, the Report on "Pauperism in the City of New York," read May 22.

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In future General Meetings it is proposed to follow more closely the practice, which experience has proved to be a good one, of the British Social Science Congresses. At these a week or more is devoted to the meetings, and in connection with the papers and debates various exhibitions, excursions, and public meetings are arranged, which bring together many persons not members of the Association, and give them, for the time at least, an intelligent interest in some of the topics of Social Science. One of the most useful of these adjuncts to the British Congresses has been, of late years, the "Sanitary and Educational Exhibition," of which we give below some account, in copying the announcement for Glasgow in the present year: —

*Sanitary and Educational Exhibition, in Connection with the Social Science Congress, to be held at Glasgow, from the 30th of September to the 10th of October* 1874.

The Third Exhibition of Sanitary, Educational, and Domestic Appliances in connection with the Congress of the National Association for the Promotion of Social Science, will take place from the 30th of September to the 10th of October next, in the Drill Hall, Burnbank, Glasgow. The success which attended the two previous exhibitions, namely, at Leeds, in 1871, and

Norwich, last year, encourages the Managing Committee to look forward to a very large and valuable display of scientific and useful appliances coming within the range of their operations. The object of the exhibition is to bring under the notice of the public generally, and particularly those who are interested in social, sanitary, and educational questions, the latest scientific appliances for improving the public health and promoting education. These will be classified under the following heads, viz. : —

I. Warming, Ventilation, and Lighting, which will comprise grates, stoves, flues, furnaces, boilers, hot-air and water processes of warming, systems of ventilation, lamps, gasaliers, jets, reflectors, etc.

II. Domestic Appliances and Economic Apparatus, to consist of stoves, ranges and ovens (heated with gas or otherwise), for roasting, baking, or boiling, etc., food manufacturing machines, culinary utensils, and articles of domestic utility and household economy.

III. Sanitary Architecture and Appliances, for outward and interior ornamentation including lavatories, baths, closets, filters, fountains, ornamental bricks, tiles, cements, concretes, slag, stoneware, and clayware.

IV. Sanitary Engineering and Disinfectants for all things connected with the supply of water, drain pipes, tubes, sinks, taps, traps, troughs, closets, urinals, filters, sewage and drainage contrivances, disinfectants, deodorants, antiseptics, etc.

V. Food and clothing, specimens of food and confectionery of all descriptions, condensed fluids, preserved meats, fruits, vegetables, and other articles of general consumption, beverages, and specimens of adulteration in various forms. Articles of dress and clothing best adapted for men, women, and children, in all weathers, beds and bedding for hospitals and tents, and belts and fittings for protection of life at sea.

VI. School Furniture and Educational Apparatus, comprising models, and plans of school buildings, school desks and furniture, gymnastics, maps, drawings, books, and other articles used in teaching.

These classes are intended to contain all sorts of utensils and appliances appertaining to the advancement of sanitary science, the improvement of health, and the promotion of education.

The management of the exhibition, as heretofore, will be under the superintendence of a committee. A small charge will be made for space and admission, to cover the cost of making the necessary arrangements and defraying the working expenses, and the whole will be undertaken, subject to the following regulations and conditions.

James Robinson,
*Secretary to the Managing Committee.*

1 Adam Street, Adelphi, London,
*June 1st*, 1874.

*Regulations and Conditions.*

I. All articles must illustrate some sanitary, social, or educational improvement.

II. The Managing Committee reserve to themselves the right to accept or reject any article proposed for exhibition.

III. All articles named in the application for space must have their chief characteristics pointed out in a short statement.

IV. In the event of the articles for exhibition being approved, space will be at once allotted on the following scale of charges per square foot, viz.: — 9*d.* for bench space; 6*d.* for floor space; 3*d.* for wall space. No space will be allotted for a less amount than 10*s.*, and all charges must be paid at the time of allotment.

V. In special cases the Managing Committee may grant the use of space and benches free.

VI. All applications for space must be made to the Secretary to the Managing Committee, on or before the 19th of September.

VII. Articles, when approved by the Managing Committee, will be received on the 26th and 28th of September only.

VIII. Exhibitors are invited to describe, in person or otherwise, the particulars of the articles exhibited.

IX. Articles will be arranged in six classes, viz.: —

1. Warming, Ventilation, and Lighting.
2. Domestic Appliances and Economic Apparatus.
3. Sanitary Architecture and Appliances.
4. Sanitary Engineering and Disinfectants.
5. Food and Clothing.
6. School Furniture and Educational Apparatus.

X. Duplicates of bulky articles cannot be exhibited.

XI. To every article a label should be affixed, stating to what class the exhibit belongs, and, if for sale, the price thereof.

XII. Should any exhibited article be sold, the same shall not be removed until the exhibition closes.

XIII. Certificates of approval will be awarded by competent judges.

XIV. Notices will be placarded in the exhibition to the effect that no article should be handled or misplaced, unless personal examination is invited.

XV. The Committee will not be responsible for the safety of any articles exhibited, but will use every effort to protect them whilst under their charge.

XVI. The cost of conveying goods to and from the exhibition must be borne by the exhibitors themselves.

XVII. The carriage of all articles sent to the exhibition must be prepaid, and packages should be addressed to the Secretary of the Managing Committee, Drill Hall, Burnbank, Glasgow. Each package should bear the name and address of the sender as well as the consignee.

XVIII. The exhibition will open on Wednesday, September 30, and close on Saturday, October 10; and all articles exhibited must be cleared on the Monday or Tuesday following.

XIX. The exhibition will be open to the public on payment of an entrance fee of half-a-crown the first day; and of 6*d.* from nine to three o'clock, and 2*d.* from three to ten o'clock on other days.

XX. Catalogues will be sold at a small charge, and will be ready on the opening day.

## OPENING ADDRESS.

By George William Curtis, Esq., of New York, President of the Association, Tuesday Evening, May 19, 1874.

Ladies and Gentlemen: My duty this evening is very simple and very pleasant, and, you will be glad to know, very brief, for it is to welcome you to the general meeting of the Social Science Association, and, as it were, to say a brief grace over the feast that is spread for you. And, upon your part, as you seat yourselves, you will doubtless say that you are very glad to come to a social science meeting, but that you would like very much to know what social science is. And I again should be very happy if I could answer your question in a word or in a phrase. If I say that by social science we mean the science of society, you will truly reply that I move without advancing; nor, indeed, could I assert that the relations of social phenomena, modified as they perpetually are by the human will, and by almost incalculable conditions, have been reduced to the laws of an exact science, or ever could be. But, undoubtedly, as Mr. Herbert Spencer says, so far as the phenomena of society can be generalized, and interpretation can be based upon this generalization, so far there can be science. The aims of this Society, however, are very practical. It seeks to build a platform upon which an honest and able inquiry can be conducted as to the best methods of advancing in every way the great interests of society. While solitary thinkers everywhere are studying and meditating the great problems of economy and trade and finance, sanitary questions, pauperism and crime, the progress of education, the amendment of laws, the extension of a loftier international comity, the improvement of political methods, and all similar themes, each student's research being a single ray of light, this Society would bring all those scattered rays to a focus, and so illuminate the path of national progress and true glory while in its degree it cheers mankind. All advance from barbarism to civilization is the development of social science. The spirit that seeks higher conditions of life and wider knowledge is its minister. Five hundred years ago, a wise and pious citizen of Florence observed that three times within his remembrance one of the church towers of the city had been struck by lightning, and he thought that he perceived that what was needed for a proper protection was to

place upon the summit of the tower a choice selection of holy relics. Four centuries later Dr. Franklin went out one afternoon, with his kite and key, in the face of a thunder-cloud, and solved the problem. That is the spirit of the student of social science. He is not satisfied with holy relics as a conductor of lightning, and would stimulate the public mind to work with kite and key in the face of the blackest clouds of tradition and ignorance, and solve the problems of the public well-being. But the Association has no other machinery than that which you will see during this meeting — suggestions and discussions by experts and special students. It is now nearly ten years old, and although its work has been very modest, it has enjoyed the sympathy and aid of many of the men most eminent in every branch of its inquiries, and its volumes of transactions, containing the papers that have been read at its meetings, are full of the results of the most advanced observation and thought upon the most important social topics. As an illustration of the subjects of its interest, I may cite one in which I have been myself deeply interested, the reform of the civil service. The Association in some of its earliest meetings, and by the warm urgency of my honored predecessor, Mr. Samuel Eliot, considered this subject, and it is an admirable illustration of the value of this platform. For, unlike the platforms of political parties, which have declared for it, this platform means upon that subject exactly what it says. It is a political subject, but it is in no sense partisan; it is especially patriotic. We have urged, and still urge, it upon the grounds both of the greater efficiency and economy of the service, and the purification of politics which must result. As the great political evil of the times is corruption, every good citizen is morally bound to consider the methods of withstanding it; and as no single practical measure would do so much to remedy that corruption by destroying its machinery and introducing better methods, the reform of the civil service is especially one of the subjects for the consideration of which this Association exists. But I am not to speak to you of these details. The work of social science in the United States will be the subject of a special report on Friday afternoon by Mr. F. B. Sanborn, the Secretary of the Society, a gentleman whose practical acquaintance with that work, and, especially, as former Secretary of the Massachusetts Board of Charities, with the great problem of modern corruption, pauperism, and crime, gives authority to every word that he says upon the subject.

While thus, ladies and gentlemen, I bid you the most cordial welcome to this meeting, and to every session of it, I cannot sit down without giving that greeting a tone of sadness by recalling our great co-laborer, first named among the Directors of the Society, full always

of the most zealous interest in its work — Professor Agassiz. Had he lived, I doubt not you would have seen him upon this platform this evening, and in that great genial presence how gladly should we have recognized one of the noblest specimens of manhood that this century has seen. Thirty years ago he came to this country, and while as a man of science he was a true citizen of the world, yet he chose America for his home. As Sir Isaac Newton said of Roger Coates, the young astronomer, when he came to Cambridge, "Now the world will know something," it might have been said of Agassiz when he came to us, "Now America will learn something!" And how much it learned! Not only in the direct lessons that he taught; not alone in the lecture-room, where, with the ever-young enthusiasm of science and the magnetism of a simple love of truth,

> "His look
> Drew audience and attention still as night
> Or Summer's noontide air."

Not in this way alone, but in his indifference to money-making and his consecration of great powers to great ends, what a lesson he taught of the essential glory of the intellectual life, showing to us, who would hardly have believed it, that a modest scholar and teacher with a heart as large as his brain and a hand as generous as his heart, could live his simple private life and go down to his grave with a national veneration and tender sorrow such as no king in history ever received. He was a teacher, and he teaches still. How well sings his friend and neighbor, Lowell, in that monody which Milton mourning Lycidas would not have disclaimed: —

> "We have not lost him all, he is not gone
> To the dumb herd of them that wholly die;
> The beauty of his better self lives on
> In minds he touched with fire, in many an eye
> He trained to truth's exact severity;
> He was a teacher — why be grieved for him
> Whose living word still stimulates the air?
> In endless file shall loving scholars come
> The glow of his transmitted torch to share,
> And trace his features with an eye less dim
> Than ours whose sense familiar wont makes numb."

# THE WORK OF SOCIAL SCIENCE IN THE UNITED STATES.

A Report by F. B. Sanborn, General Secretary of the Association.
Read May 22, 1874.

Among the adventures which Cervantes ascribes to his famous hero, the Knight of La Mancha, is an encounter with several chevaliers of industry on their way to the galleys, one of whom turns out to be an author. "What is the title of your book?" said the knight to Gines de Passamonte, the autobiographer. "The Life of Gines de Passamonte," was the reply. "And is it finished?" quoth Don Quixote. "How can it be finished?" answered he, "since my life is not yet finished." To report with any completeness on the work of Social Science in our country is more difficult than for a man to complete his own biography, since it is the life of the whole community which he is writing who undertakes to speak of Social Science; and before one event has been recorded a hundred others have taken place. But something may, perhaps, be said within the half hour allotted me to indicate some of the main features and later manifestations of American Social Science.

Do not expect me to define the phrase, however, even negatively, by stating what Social Science is not. I have never seen or heard of a person who could concisely define what it is we call social science, or state wherein it differs from other branches of human knowledge. It seems, indeed, to be neither a science nor an art, but a mingling of the two, or of fifty sciences and arts, which all find a place in it. Whatever concerns mankind in their social, rather than in their individual relations, belongs to this comprehensive abstraction, and social science shades off easily and imperceptibly into metaphysics on one side, philanthrophy on another, political economy on a third, and so round the whole circle of human inquiry. Pope advises us "to grasp the eel of science by the tail." Now to deal with a science so fleeting, so fluctuating, and Protean as this in a country like ours, where everything fluctuates and glides into every other thing, is to grasp the most elusive of eels by the most tantalizing of tails; it slips from our hold and defies all attempts to classify it.

And yet there is social science work to be done; so much of it that

nobody can either do it all or see whether it gets done or not. It is multifarious and endless, like woman's work, of which the saying runs,

> "Man's work lasts from sun to sun,
> But woman's work is never done."

Much of it is literally women's work, and is getting done by them more and more; but there is room enough for all sexes and ages in the field of social science. The harvest is plentiful, or will be, but the laborers are few, and we are seeking to engage more, both for seed-time and for harvest. It is one of our advantages in America that we can plant anew in virgin soil, and are free without effort from many of the weeds that choke the harvest in other countries. But this happy condition does not long continue, and there are already portions of the country where we have in abundance the evils of an old civilization, as well as the crudities and deficiencies of a new one. To avail ourselves of the experience of other countries, without imagining that it strictly applies to our own condition, is the first duty of an American student in social science.

In order to do this, of course we must know what our own condition is; and to those who have not had their attention drawn to the matter, it will be surprising to learn how little we know in America of the actual circumstances of the people. We make great parade from time to time, of the Census tables, the statistical reports from the Treasury Department, the Bureau of Agriculture, etc., and other professed exhibitions of our material condition; but it is only those who know least about the facts who are able to put much trust in these statistics. Even if we have all faith, and can assume them to be true at the time they were taken, the growth and change of the country is such that they are wholly inadequate and misleading a twelve-month afterward. Perhaps others have been more fortunate, but I have never yet seen a statement of the two great crops of the United States, cotton and breadstuffs, made six months after the harvest that seemed to be within ten per cent. of reasonable certainty; and I strove in vain for a year or two to get an estimate worth retaining of another great staple — the stock and increase of horses and cattle. Perhaps you will refer me to the Census tables; but then I should reply, as Sir Robert Walpole did about history, "That I know to be false." The census is "a fable agreed upon," which, again, was Napoleon's definition of history, and one which he did his best to prove just. An American census, in its best estate, is a combination of guesses and mistakes, elaborately computed and selected; and such it must remain until the law is so amended as to allow us to employ the means which experience has shown to be necessary in other countries. We have the satisfaction of knowing, however, that each successive ten years gives us better

guesses and more trustworthy computations, and in several particulars the national Census is still our best authority.

This is especially true in regard to the statistics of birth and death, the collection of which is even yet strangely neglected by most of the State governments, and carefully performed as yet by only five or six, — namely, in Massachusetts, Rhode Island, Connecticut, Vermont, and one or two of the Western States. Neither of the four greatest States — New York, Pennsylvania, Illinois, and Ohio — have as yet any useful State system of registration. The great cities of New York, Philadelphia, Chicago, and Cincinnati all have such a system, and furnish us valuable facts; and the same is true of some of the other large cities in these four States and elsewhere; but among more than half the population of the United States no systematic effort is made to record and report the number of births, deaths, or marriages taking place in a year. Consequently, even the meagre, contradictory, and misleading vital statistics gathered once in ten years by the Census Bureau at Washington become of some value in the absence of others; and the same may be said of many other portions of the decennial reports. But it should be the first effort of all students of social science to make these reports annual, as they are in some European countries, and to promote in each State the inquiries and statistical returns which alone can give a high value to the national census-taking and its published results. Every State should maintain a Statistical Bureau, and that of the nation should be permanent, instead of coming into existence for a few years at a time once in a decade. One of the best statisticians in the country, and perhaps I may say in the world, Dr. Edwin M. Snow, of Rhode Island, in giving reasons, a few years ago, for the creation of a permanent Bureau of General Statistics at Washington, said very truly: —

"The greatest defects in all our censuses have been owing to the want of knowledge and experience in those employed upon them. We are almost destitute of men in this country, except in three or four States, who are familiar with the practical duties required in taking a census. With a corps of clerks educated in the best methods of doing their duties, and with trained men to obtain the information, and by making use of local officers and other sources of information in different States, I am perfectly confident that a permanent census bureau could obtain all the information now obtained by a decennial census, except that relating to population, and could obtain it every year, with no greater expense than is now required to obtain it once in ten years. When such bureaus become general in all the States, the National Government will be able, with their assistance, to obtain all the statistics now obtained by the national census, and much more; far more frequently, far more correctly, and with much less expense."

Such bureaus have been established under various names in Maine,

Massachusetts, Connecticut, Pennsylvania, Ohio, Missouri, Minnesota, and probably in other States. They have accomplished little as yet, but the near approach of the centennial birthday of the Republic (July 4, 1876) is stimulating the States to make their statistics more complete and exact; and several of them will probably present during the year 1876 a fuller collection of facts of all kinds concerning their population, industries, and social statistics than has ever been seen in this country hitherto. The philosopher in "Gulliver" has given it for his opinion that "whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before, would deserve better of mankind, and do more essential service to his country, than the whole race of politicians put together." The same praise can be given in a smaller degree, perhaps, to the man who causes two facts to be known and put on record where but one was known before.

Next to the collection of facts comes the dissemination of principles and the practical application of them to the condition of things revealed by statistics. This is the more attractive work and the nobler; but it is less indispensable than the humbler task of the census-taker and the statistician. Rather, perhaps, should it be spoken of as more inevitable; for ideas can no more be avoided than can the change of seasons. But an idea in the wrong place, a notion out of its latitude, a principle inapplicable to the case in hand — these are quite as likely to be hurtful as helpful, while facts and dates never injured anybody undeservedly. Moreover, ideas may be crude and principles can be misunderstood or only half learned, and thence comes much of the mischief in the world; while statistics, however tasteless, can never be poisonous in themselves, it is only when misapplied by imperfect or perverted reasoning that they seem to do harm. Hence, I place as first and most important the collection of facts; next in order comes the combination and application of them. And upon this second branch of social science work, our association once received some most useful hints from a great man, now dead — the late Horace Greeley. At our Albany general meeting, in February, 1869, Mr. Greeley briefly addressed us in words that were then less regarded than they would be now. "The most urgent public need of to-day," he said, "is the careful preparation and cheap publication of a series of larger tracts, embodying all that is known beyond dispute in the domain of natural, intellectual, and moral science; concise but comprehensive treatises on distinct topics of practical consequence." Among these topics, Mr. Greeley enumerated, by way of illustration, ventilation, food, health, habitations, etc., and he closed his short address with a statement embodying his definition of Social Science, — perhaps as good as any we

have heard. After urging that a society should be found or formed "to provide and diffuse such summaries for popular use of elementary, physical, and moral truth," he added that this "would surely and signally conduce to the diffusion of knowledge, virtue, and happiness, — in other words, to the advancement of social science."

No one has yet undertaken precisely this work in America — akin to that which Lord Brougham, the father of the British Social Science Association, labored, along with Mrs. Somerville and others, to promote in Great Britain, forty or fifty years since, under the name of the "diffusion of useful knowledge." Fonblanque and the wits of that time insisted, after some unlucky publications, that Lord Brougham's true mission was either the "confusion of useful knowledge," or the "diffusion of useless knowledge," thus pointing out two of the risks which such an undertaking must encounter. But whatever the risks are, it is one of the most needed functions of social science in America now to perform this work attempted by Brougham and recommended by Greeley. The newspaper can do much in this way, and actually does it, but under some limitations and with some perversions which it is possible to avoid. Probably no one agency in America ever did so much in this way, from 1841 to 1872, as Mr. Greeley's own newspaper; but that did not satisfy its founder, as we saw at Albany. To some extent before 1869, and in a greater degree since, work of this sort has been essayed by public boards of health, charities, education, and the like. The Massachusetts Board of Health, which made its first report in 1870, has devoted five annual volumes to enlightening the public on sanitary topics, and exists mainly for that purpose; the California, Minnesota, and Michigan Boards of Health, in a somewhat different manner, are doing the same thing; the recently appointed Sanitary Commission of New Jersey aims at something of the sort; while the new and vigorous American Public Health Association is engaged in combining the intelligence and activity of sanitarians in all parts of the country in the work of investigating and making public matters of special interest. The ten existing State boards of charities (not all called by that name) publish reports yearly or biennially upon their special topics, some of which — as in New York, Pennsylvania, Illinois, Wisconsin, and Massachusetts — have a value beyond the State in which they are prepared. In summoning conferences of these official boards to be held in connection with our general meeting, the Association hoped to bring together and unite more closely, for research and practical administration, these organizations which exist for the same general purpose. This hope has been amply justified by the sessions of Wednesday and Thursday, which are to be followed hereafter by other conferences, and by united action, so far as that shall be found practi-

cable. In the Wednesday's conference we had delegates or letters of coöperation from seven of the ten boards of State charities now existing, namely: from New York, Pennsylvania, Massachusetts, Connecticut, Michigan, Wisconsin, and Kansas; and but for the presence of some of these boards at the recent Prison Congress in St. Louis, we should doubtless have seen other States represented. The appointment of committees for future work, and the discussions concerning the insane, the laws of pauper settlement, and the prevention of pauperism, will indicate in part what was done at this conference.

The conference of health boards convened in this Hall yesterday and to-day was invited from similar motives, and has resulted in bringing these important bodies, now rapidly increasing in number and efficiency, into better acquaintance with each other. Methods have been discussed, plans of organization and administration proposed, and the way opened for a more methodical and uniform system of sanitary supervision and vital registration to be introduced and commended to the whole country. Gentlemen representing boards of health in New York, Massachusetts, New Jersey, and Maryland have been present, and each State has contributed its share of information and suggestion. To-day these boards have been in conference also with members of the State boards of charities, the duties of the two organizations often lying parallel, or even intermingling with each other. For example, the California Board of Health exercises a supervision over the State prisons and other public establishments of California; the same, I believe, is the case in Minnesota, and the same arrangement has been proposed, though not yet adopted, in Maryland.

There are other organizations, special or general in their character, with which our Association is cöoperating, so far as practicable; and among these has already been named one of the most recent, — the American Public Health Association, — whose sessions in this city last winter attracted so much notice, and drew out so many able papers and discussions on sanitary topics. An older body of medical men, working in a specialty, which, however, is of universal interest and concern, the American Association of Medical Superintendents of Insane Asylums, includes among its members several of our own number, two or three of whom have met with us here, and more would have done so but for the meeting of their annual conference at Nashville this week.

The National Prison Association, which may be regarded as an offshoot from our own, since it was founded by several of our active members, is engaged in another phase of social science work. It both collects information and promulgates principles, and by its proceedings at Cincinnati, Baltimore, and, last week, at St. Louis, it has exerted a considerable influence in favor of a reform of prison discipline and of criminal

law. We had the pleasure yesterday of welcoming its founder and Secretary (Dr. Wines) to our sessions here. Periodical conventions, like those held by the instructors of the blind, of deaf mutes, etc., are likewise laboring in the same general direction with ourselves, and of late years with increased activity. It has been one of the cherished purposes of our own Association to maintain relations of friendship and mutual assistance with all these special organizations, so far as they will permit us to do so.

It is the practical application of social science, however, which necessarily interests the largest number of our countrymen; and the examples of this are numberless. In every State, and in all parts of the same State, social science work is done by philanthropic men and women, many of whom would be surprised or amused if you told them they were "promoting social science." Like the Frenchman who had been talking prose all his life without suspecting it, they have served the cause of social science while indulging the luxury or performing the thankless tasks of public benevolence. Perhaps the best example of this is one of the most recent — the formation of Training Schools for Nurses in this city, in Boston, Philadelphia, and New Haven, which has been the work of a few ladies in these cities during the year 1873. The enterprise was novel, the difficulties have been great, and are not yet wholly overcome; but a beginning has been made, and now at least fifty women are training themselves by experience as nurses in great hospitals to carry on that profession skillfully in after life. Another work in which women have had a great share has been the improved instruction of deaf mutes by means of articulation, something almost unknown in America eight years ago, when our Association first discussed it, while now there are three or four large schools teaching exclusively in that way, and more than 500 pupils in the whole country who benefit by it. A kindred measure in aid of the blind is that for cheap and improved printing in the raised alphabet, which has been lately brought to the notice of our Association by Mr. Stephen P. Ruggles, an inventor and practical printer, who offers to establish and maintain a printing-house for the blind at his own expense. A committee of the Association, of which President Eliot, of Harvard University, is a member, is now considering the feasibility of putting the plan in operation at Boston. Other practical measures which might be mentioned, are the establishment of special prisons for women in Indiana and Massachusetts; co-operative building companies for enabling the poor to build and own their own homes, which our former Vice-President, Mr. Quincy, of Boston, has shown to be easily done; establishments for the care of foundling and deserted infants, the prevention of pauperism by furnishing the poor with employment, etc. On some of these matters you have

heard or will hear others speak. You will also have the pleasure of listening this afternoon to a gentleman, the worthy son of a most honored father, Dr. Gallaudet, of Washington, who has devoted himself for years to the higher instruction of deaf mutes, as his father, Dr. Gallaudet, of Hartford, did, sixty years ago, to their primary instruction. And in this connection permit me to say that one of the humbler and most neglected tasks of social science, the accurate enumeration of defective classes, like the deaf mutes, the insane, etc., has been carried on from time to time by some of our members. Dr. Jarvis, of Massachusetts; Mr. F. H. Wines, of Illinois, and others, have made a special enumeration of the insane in particular localities; and I have myself undertaken to do so in regard to the deaf mutes of Massachusetts. The United States census of 1870 gives the number of this class as only 538 in that State; but I hold in my hand a list giving the names, residences, and ages of more than 1,100, which has been verified by the town clerks and other well-informed persons in more than 200 cities and towns. Nor is there any reason to doubt that the actual number now residing in Massachusetts is at least 1,300. It is very desirable that special enumerations akin to these should be made in other States, and I believe it has been done, with a like result, in New Jersey and perhaps elsewhere.

In other directions there is much to be done. In improving education, from the ragged school and the half-time class to the most ambitious university course, and especially in providing for better education in art and in the handicrafts, a wide field is opened, and our Association has begun to cultivate it. In the reform of laws and the more systematic study of jurisprudence, in the teaching of elementary principles of finance, in the establishment of an honest and intelligent civil service, both in the National and the State governments; in the movement to give full occupation to the aspirations and capacities of women, in the invention and extension of life-saving and labor-saving machinery, and the application of science to our whole social condition, there is scope enough, not only for our members, counted by hundreds, but for the hundreds of thousands whom the Christian Association, in whose hall we meet, rallies and trains in all parts of the country for its noble and beneficent tasks. In emulation of these young workers, who have put forth branches in all the States, our Association has lately provided a plan by which its work can be localized, and at the same time centralized.

We already have branch associations in Philadelphia, New Haven, Detroit, St. Louis, and San Francisco, and others are forming in Wisconsin, Iowa, Texas, and other States. The Vice-President of the Michigan Association, Judge Brown, of Detroit, will have something to say concerning this subject.

In this infinite variety of need and opportunity for research and for practical work, the special place of the American Social Science Association is that of uniting all and communicating with all who may be willing to do so. It does not assume to direct, scarcely to advise or recommend, but to bring those who are striving for the same end into friendly relations with each other, and to furnish a common centre from which influence may radiate, and in which union may be found. Our methods are simple: the holding of meetings like this, or of smaller department meetings, the publication of a journal, the distribution of our own publications and those of other organizations, and the maintenance of correspondence with all parts of the civilized world. Our conditions of membership are also simple, the payment of an annual fee of five dollars being the pecuniary condition. It is our hope to enroll many new members among those who have attended our sessions, or read the admirable reports of them in the daily newspapers.

I notice that one of these journals speaks of a social science meeting like this as "a clumsy contrivance." So it is; but even a journalist may well remind himself that we live in a fallible and imperfect world — we "have this treasure in earthen vessels." It has been asserted on the best English authority, that "the times are out of joint;" there are spots on the sun, and old Alphonso of Castile declared that if he had been consulted at the time, he could have given some useful hints to the Maker of the World. A Persian poet, who, if living in our day, would have been an editor, went further and offered to "break up the tiresome roof of heaven into new forms." We are not so aspiring; we are a little old-fashioned, in fact. What has been good enough for the world in the last 3,000 years — this clumsy contrivance of public addresses and debates has hitherto been good enough for us. Like our forefathers, the early settlers of New England, who resolved thus, "That we will govern our plantations by the law of God until we have time to frame a better for ourselves," we are likely for some years to go on as we have begun. But we are open to conviction, and welcome advice from all sources; partly because we are giving so much, and it is but fair play to take our own coin at our own counter.

But the subjects which interest us, members of the Association, may well recall me to more serious thoughts. They relate to the highest concerns of mankind, or to those sufferings of humanity which appeal to our deepest compassion. In the tragedy lately enacted along the banks of a quiet stream in my own State, we may see not only the all-dispensing hand of Heaven, whose decrees are unchangeable, but the penalty of human carelessness and incapacity visited, as the law of God determines, upon the innocent as well as the culpable. Out of their calamity the dwellers of the Mill River Valley mutely appeal to the students of

social science for the prevention of such misfortunes to other communities. "May the gods forbid," said the poor man to the ancient king, "that your fortune should ever be such as to make your knowledge of these matters greater than mine." And it is for the service of men that science exists. The father of modern science, in a passage where the magnificence of the language contrasts nobly with the pious humility of the thought, has given utterance to this sentiment and to a higher sentiment.

"For men have entered into a desire of learning and science," says Lord Bacon, "sometimes for ornament and reputation, and sometimes to enable them for victory of wit and contradiction, and most times for lucre and profession; as if there were sought in knowledge a couch whereupon rest a searching and restless spirit; or a terrace for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state for a proud mind to raise itself upon; or a fort or commanding ground for strife and contention; or a shop for profit or sale, and not to a rich store-house for the glory of the Creator and the relief of man's estate. But evermore it must be remembered that the least part of knowledge passed to man by this so large a charter from God must be subject to that use for which God hath granted it." Unless social science works in this humble and religious spirit, all its labors are vain.

# FINANCIAL ADMINISTRATION

A Paper by G. Bradford, Esq. of Boston.

Read Tuesday Evening, May 19, 1874.

I do not purpose, on this occasion, to dwell upon the infinite evils and disgrace of irredeemable paper money; nor to add one to, or enforce any one of the numerous expedients which, *à priori*, are to lead us gently back to specie payments. All of these, so far as they are worthy of a moment's attention, involve contraction, their variety consisting in the method of performing that operation without pain. I have no faith in the efficacy of any such anæsthetics. The first issue of Government legal tender notes came upon a country more in need of, and more fitted to render available a national paper money than any in the history of the world. It was like irrigation upon a desert, causing the wilderness, even in that terrible time of civil war, to blossom like the rose. But the gentle stream which fertilizes may become the roaring torrent to destroy. The wanton and excessive issues of greenbacks forced prosperity on to wild speculation. So much of the war account as could be settled with blood was promptly met, but the financial sacrifice has never been encountered, and writhe and struggle as we may, we cannot escape it. Mr. McCulloch's first attempt at contraction produced the inevitable stringency, but Congress stopped the work as if such a result was not to be thought of. The panic last fall was a foretaste, and it is to be feared but a foretaste, of a stern process to be gone through, but instead of the acceptance of the lesson, it was made the pretext for a cowardly retreat to further inflation.

It by no means appears, however, that the latter is in accordance with the sober sense of the country. We hear, in general terms, of certain sections being in favor of inflation, but from the commercial bodies in all the large cities protests have poured in, while almost all the leading newspapers in all sections, though agreeing in hardly anything else, join in denouncing further issues of paper. It is to be remembered also that thousands of individuals who could and would adjust their business arrangements to meet any active measures tending certainly to specie payments, have, in fact, based them upon the evident leaning of Congress toward further inflation. The fact is, that in spite of the public demonstrations referred to the House of

Representatives, by a vote of more than two thirds did authorize the increase of forty-four millions of greenbacks; and that the Senate, upon which the hope of conservatism rested, not only confirmed this, but of its own motion added an amount of forty-six millions of bank circulation. It is true that the President, to his infinite honor, vetoed the bill, but it is an instructive comment on what I shall have presently to say, to remark how completely the whole power, even without forcing the President by a two thirds vote, is in the hands of the House of Representatives. Without increased taxes, or the power to make a loan, it is quite possible that the Treasury may have no other resource for money than the remainder of the so-called reserve; and a mere majority of the House can effectually block both of those expedients. A rider to the Appropriation Bills is also a well-known method of accomplishing doubtful ends. An appeal to the country is, of course, the ultimate resort, and an association is forming to influence extensively public opinion. I think it will be admitted, however, that enlightened public opinion is not purely the basis of election to Congress. The caucus manipulation, and the office-trading which have so largely returned our present rulers, are not likely to remain inactive in the future.

While presenting this dark picture, I pause for one consoling reflection. It is said, and I believe with truth, that no nation has ever resorted to an inconvertible currency without ultimate, at least partial repudiation. But then no other nation has ever had recourse to this expedient till its credit was exhausted and the inability to borrow left no other alternative. Our case was the exact reverse of this. History will record with wonder that the United States adopted, or at least persevered in, this ruinous policy from simple reluctance to sell a six per cent. bond below par. There has never been a moment since the war when our Government could not have funded any amount of greenbacks necessary for a return to specie payments by the sale of bonds, at what, with reference to the commercial standard of the country, may be called very reasonable rates. That this operation will be ultimately submitted to, we refuse to doubt, but to what extent the contraction must be carried, and with how much of disaster to individuals, must depend on the degree of efficiency and intelligence in administration. The ship will weather the storm, but whether she comes into port dismasted, dismantled, and reduced to a hulk, or with the loss only of a few light sails and spars, will depend upon the seamanship, the strength and steadiness of the hand at the helm. Of course, I do not refer to any permanent destruction of the wealth of the country, but to the question whether thousands or hundreds of individual fortunes shall be wrecked and families beggared.

The inquiry of first importance is, why the Government responds so little to the demands of the conservatism and intelligence of the country? Why the Treasury passes from one incompetent hand to another, with apparently a downward progression? The answer will not, I think, be far to seek, when we have compared our actual condition with the real requirements of efficient administration.

First among these requirements we shall find *unity*. When the item of expenditure is placed in hands different from and independent of those which have to provide the means for that expenditure, the result, as the domestic economy in thousands of families could bear witness, is confusion and disaster. Our Government expenditure is mainly in the hands of a Committee on Appropriations; the revenue in those of the Committee of Ways and Means. When last fall the deficit of revenue threatened to become important, an effort was made to reduce expenditure. But the committee in charge of that department have a direct and positive interest in maintaining their estimates, while they have little or none in the question of ways and means. Very little was therefore accomplished in that direction. The combined results of the labors of both committees come into the hands of the Secretary of the Treasury, who has to cut his coat according to his cloth, having had no voice and very little influence in either of the vital elements of his administration. Is it not evident that in proportion as the adjustment of these two elements becomes more and more difficult, the officials, who, having such slight control over them are yet willing to accept the responsibility of being the nominal head of the Treasury, must of necessity be constantly declining in financial knowledge and skill?

Again, the question of finance, which should be treated by itself, is frequently complicated with political issues. Both Secretaries Boutwell and Richardson had committed acts entirely illegal in issuing legal tender notes in excess of the amount authorized by law. If Congress enforced a return to three hundred and fifty-six millions they would distinctly render a verdict of "Guilty," without any means of inflicting punishment, except the extreme one of impeachment, and a damaging party scandal would have resulted. A limitation of the increase to the twenty-six millions which had already been paid out was too transparent compounding with felony. It would be interesting to know how far this motive was mingled with the pure desire for inflation.

To illustrate the idea of unity we will refer to the English practice. Sir Stafford Northcote has recently assumed the Chancellorship of the Exchequer. Deputations from the brewers, the farmers, the railways, etc., wait upon him, and present their claims for relief from taxation.

He hears all, states what he will, and what he will not do, and gives his reasons. In short he treats the finances as if they were his own private purse, the principle being distinctly recognized by the press and the country that if any man is to be responsible for this department he must have entire control of it. In like manner the estimates of all the heads of departments have to come before him. And after the budget he has thus prepared has passed Parliament, he is bound in the certainty of sharp revision by that tribunal at its next session, to follow up closely both collection and disbursement. The consideration which our Secretary of the Treasury enjoys is, I believe, mainly confined to his underlings in office. But there is a very active lobbying by the heads of departments with the Committee on Appropriations, and by the respective parties in interest with the Committees of Ways and Means, on Commerce, Manufactures, Banks, Railways, etc., etc. And if there is not very active trading constantly in progress among these conflicting authorities, both current rumor and the probabilities of the case are extremely at fault.

Second only, if second, in importance to unity of administration, and dependent upon it, is *continuity*. In 1840, the English finances were in great confusion. There was a considerable annual deficit, the tariff was in a worse state than ours at present, and almost the whole income from it was spent in contending with smugglers and revenue frauds. Sir Robert Peel took the reins, and applying the income tax to furnish a margin for experiments, commenced that series of reforms, which by himself and his successor, Mr. Gladstone, have been extended over thirty years with such remarkable results. When interrupted by occasional Tory ascendency, as at the time of the Crimean war, the regular progress has been resumed on the return of the Liberal party to power. Our committees are as shifting as the sands of the sea. Such pure abstractions are they, so stripped of all individuality, that probably not one citizen in a thousand could name a half dozen members of Congress with the committees on which they serve. Even where one man has acquired a prescriptive right to a position, as Mr. Dawes on the Committee of Ways and Means, his individuality is lost, not only among his colleagues, but in the demands and conflicting jurisdiction of other committees. Moreover, the aim of the committees is much less to produce practicable measures than to suit the temper of the Houses, failing in which they would soon find themselves without any function whatever. Any one who has followed the recent currency debates, or rather votes, both in the Senate and the House, will have perceived of how little avail are the lessons of experience or any established principles in controlling the passions of the moment. In such hopelessness, as regards any continuous or systematic action,

many persons advocate a repeal of the Legal Tender Act, a measure, which if passed and made operative would cause suffering, distress, and demoralization among individuals not inferior in total amount (I wish to speak soberly), to what would result from the march from Maine to New Orleans of a hostile army of a half million of men. Others, again, wish — and this is the most popular specific — to get some great measure launched, which by its increasing momentum and in spite of subsequent tampering, shall drag us back to specie payment. A sound currency can never be reached by any such process. It must result, if ever it does come, from a long course of persistent tacking and beating against a head wind, with a clear cool brain and a steady hand to take advantage of every flaw and shift of wind and tide.

Next in order of statement, for I can make no gradation as to importance, is *publicity*. The most casual reader of English history will associate the name of Robert Walpole with a period of almost unlimited corruption in Parliament. A writer upon that period quotes as one of the strangest things to modern ears that it was forbidden under heavy penalties to report any speech or proceeding in Parliament. At present, as we know, almost every word of importance there is reported for the "Times," and it might be easily demonstrated that from this practice has directly resulted an official purity unsurpassed in ancient or modern times — a class of men whose honor is above suspicion. I should like, if time would permit, to compare two of the recent English "scandals," the postal telegraph expenditure and the Zanzibar contract, with our Sanborn and Jayne contracts and the District of Columbia investigation. It will be said that our Congressional proceedings are equally reported, but then they have no meaning. Everybody laughs at bunkum speeches and their delivery to empty benches. The actual business is done in the secrecy of the committee rooms, under pressure and from motives which the public never see. No measure can be even discussed in Congress till it has received the sanction of such a committee and the majority of the Houses are ready with the gag to secure the success of corresponding majorities in committee. When I alluded to this topic in conversation with a respectable resident of Washington, he turned quickly round with the remark, "The Government of Venice under the Council of Ten was not more secret than is that of the United States in its real working." From this cause and another, to be presently noticed, measures are constantly passed without any efficient criticism, and Congress is constantly occupied in investigating past frauds and outrages which are their natural fruit. The Credit Mobilier affair, the "Moieties" contracts, the District of Columbia frauds, might all have been obviated by a little foresight enforced in public debate by a keen

and vigorous opposition, instead of being subsequently overhauled with little effect other than to bring the whole Government into contempt. Now, in financial measures, involving such vast weal or woe to the country, it is of the greatest importance that everything possible should be known in advance, and that their effect should be watched at every step with the most prescient scrutiny. We cannot afford a series of reckless experiments, of each of which the futility must be demonstrated by a disastrous explosion. Congress recently passed a bill of which the avowed purpose was inflation. Yet the most experienced bankers are of opinion that if finally passed and enforced it would have caused contraction and panic not less than that of last fall. Is it surprising that commerce is paralyzed with terror at the risk of such legislation?

Connected with publicity, as its twin sister, is responsibility, which may be called the keystone of free institutions. It is an error to regard absolute power as the great evil of government. It will hardly be questioned that the best of all governments would be a perfectly wise and perfectly virtuous despotism. The substitute for those qualities, unattainable in human institutions, is enforced responsibility to public opinion, that is, to those in whose behalf power should be exercised. Extensive powers of administration with sharp and speedy responsibility for results, these will be found to be the elements of success in any enterprise, public or private. Our ancestors, meaning not merely those who framed our Constitution, but those who put it in practical operation, were filled with a morbid dread of executive power. They hedged it about with every possible check and limitation till for all honest and good purposes it became the shadow of a name. But they seem not to have perceived, what time has demonstrated for us, that they thereby lost all direct responsibility. Let us follow the course of a Government measure. A proposal by any individual is referred to a committee. The committee makes a report to the House. When passed by the House it goes to the Senate, or *vice versa*. And finally, the Executive must do what work it can with tools which it did not choose and of which it may not approve. When failures in Government result from all this, who is responsible? and who is to enforce responsibility? To the last question it may be replied, public opinion. But the absence of an answer to the first, places public opinion completely at fault. Again, public opinion only speaks at the intervals of election, and even if election went by public service, failure to secure it involves no disgrace, contains nothing of punishment. The enforcement of responsibility should be both prompt and punitory. We will take one or two instances. In refunding the public debt Mr. Boutwell was limited by law to an expenditure of one half per cent. By over-

lapping the interest he did expend more than twice that amount. Not so much as an inquiry can be made of the Secretary without a majority vote of one of the Houses, and an attempt at censure was promptly suppressed by a party vote declaring, not that Mr. Boutwell was justified by circumstances in violating the law, but that he *had not* violated it. It was not to be wondered at that, with this impunity, the next step on Mr. Boutwell's part should have been an issue of legal tender notes beyond the amount authorized by law. The excess was withdrawn, however, and Congress simply ignored the transaction. Proceeding in regular course and acting upon the precedent, his successor not only issued a far larger amount, but kept them afloat till Congress assembled. The only action of that body thus far has been, without taking any positive notice of the conduct of the Secretary, to add more than the amount of the overissues to the lawful maximum of legal tenders. Are future Secretaries to be thus free to anticipate the will of Congress? For a suitable comparison with the Sanborn and Jayne contracts we should need to go back to the farmers of the revenue under Louis XIV. and XV. of France. But, while a rigid responsibility would have brought the Secretary to account in the very inception of these contracts, now, after the foul history of their results has been dragged to light, it seems doubtful whether anything more than a discontinuance, if so much, can be brought about. The truth is, neither the agents nor the Secretary were any more to blame than Congress itself. It is impossible to fix responsibility anywhere. But by and by, when some chain of operations by a disciple of Tweed explodes at Washington, we shall hold up our hands at the depravity of the age. If the testimony before the Committees and the charges made in Congress are to be believed, there is in the Treasury Department, to say the least, a looseness of management which renders any amount of disaster credible. But instead of a steady and definite pressure upon official responsibility, there is no way of reaching the evil except by investigation and exposure, which, while they would make public the details and injure party ascendency, would by no means afford a guaranty for improvement.

A fifth point to be urged, and none the less important that it seems never to be thought of, is that the nation, as a whole, is not represented in Congress. Every man who has a voice there is the representative of a State or District. He has little or nothing to expect from the nation. His direct interest is wholly with his constituents. Is it not inevitable that he will attend to their interests, and especially to those of the individuals who have been active in securing his election? What motive has a member to devote himself to the interest of the nation? He is sure to incur the hostility of the special interests

which he opposes; he can gain little of national reputation, and what he does will avail him nothing. The languid approbation of the best men in his own district will soon leave him in the rear, as compared with the active promoter of its special wants. Now, if there is one thing indispensable to a proper management of the finances, it is their treatment from a national point of view. The motive force of inflation, as well as of a bad tariff, is the interest, real or fancied, of local dealers and speculators. It is the vast mass of the people whose interest lies in a return to specie payments at any cost. We cry out against special legislation, while we deliberately foster an arrangement which makes it almost the sole object of the Government.

The sixth and last consideration upon which I shall insist is the want of individual talent and technical skill. The low standard of intellect and ability among our public men is a matter of common remark. I think a more just statement would be that talent finds so much difficulty in asserting itself, but the result, perhaps, is the same. We look back to the early statesmen, the Washingtons, Jeffersons, Adamses, Madisons, Hamiltons; we see about us the most brilliant examples of success in literature, science, commerce, and the arts, and we ask ourselves, Why has intellect deserted public life alone? The truth is, the men are just what the system makes them. A second generation of great men did indeed share the delusion that there were prizes to be gained by honorable public service. Webster, Clay, Calhoun, renounced flattering professional prospects in the hope of securing what should be, in spite of the taint that has come upon it, a most worthy object of ambition, political preferment. They died disappointed and broken-hearted, while the first honors of the Republic went to a Tyler, a Pierce, a Buchanan. And thus under the present system it must continue to be. Follow once more the course of any Government measure. Three hundred members of the House (and if in the Senate the numbers are smaller, the principle is the same) have a precisely equal right to introduce a bill upon any subject. Of course the crude mass must be thrown into the caldron of the committees, and the resultant appears, not even as the work of the chairman, but of an abstraction, the majority of a committee. Sometimes, for the sake of distinction, a bill is known by the name of the member introducing it, but that ceases with its passage. Thenceforth it is the Senate bill or the House bill. Of course the executive officer can impress no individuality upon measures thus forced upon him ready made, the more so as he has no voice of explanation, or defence, or protest before the country. The number of generals who have filled the presidential chair has been often remarked upon. It is not, I believe, at all owing to any preference upon the part of our people for

military men, but simply because the army is the one department of the public service where men have a continuous opportunity of creating a reputation. Given a statesmen who occupied in the eyes of the nation the position which the late Charles Sumner held before the people of Massachusetts, and does any one doubt his strength as compared with any soldier? One of our most crying needs is a training ground to develop, and a battle-field to display statesmen, or in view of my present subject, I should say financiers, before the public eye.

We have thus passed in review certain fundamental conditions which, apart from any theories or specific measures of finance are essential to grappling successfully with the difficulties which are just opening before us; namely, unity, continuity, publicity, responsibility, national representation, individual talent and skill. The obvious question arises, how are these to be secured? The key to the whole problem, the base upon which the whole structure must be raised, seems to me to be this: the conversion of the nominal into the real head of the finances, the admission of the Secretary of the Treasury to the floor of Congress with the right and duty of taking part in debate, and subjection to what the French call interpellation.

The objections to this step may be classed under two heads: its inadequacy to accomplish the ends proposed, and the impossibility under the present form and organization of our government of putting it in practice. I wish the objections of the second part could be as easily refuted as the first. "This," says a modern writer in speaking of the relation of the Cabinet to Parliament, "may seem but a dry and small matter to be the latent essence and effectual secret of the English Constitution." In the first place it would be the duty of the Secretary, after receiving the estimates of all the Heads of Departments, and after carefully weighing all the items of receipt and expenditure, to prepare a balance sheet of both (if we choose to discard the English word budget), and to indicate in the fullest and clearest manner, whether, in the case of a deficit, policy requires an increase of revenue or economy of expenditure, instead of leaving this to a struggle of separate committees. Of course every member of the House might propose an amendment, but it would be for the Secretary to accept or reject these. If, in the latter case, the House should insist upon forcing upon him an important modification of his views, he would of course be obliged to resign under conditions presently to be considered. It is unity thus obtained which often enables a British Chancellor of the Exchequer to dispose, a year in advance, of a surplus of two millions or less upon an expenditure of three hundred and fifty.

And the case is no less strong as regards continuity. As the Secretary would be under the necessity of making his plans, both as to

theory and practice, acceptable to Congress and the whole country, he must make himself familiar both with our own past experience and all other history of the science, and be able to show his consistency with principles; and every new incumbent must be able to take up the sequence and justify his departure, if any, from previous administrations. Theory and practice would go hand in hand, and be a mutual check upon each other.

Publicity would be secured by limiting debate to the one plan in hand. Instead of a chaos of conflicting propositions, involving a reference to committees; instead of a wild beating of the air in a struggle to decide between fifty different plans, the question would be, Is a certain definite plan suited to accomplish the end aimed at or not? and all argument would revolve about this. Again, the process of incubation in committees often takes all winter and results in that disgraceful hurry and rush with which a mass of bills is put through without debate at the end of the session. Under the other arrangement the Secretary would be bound to be ready, with his plans fully matured, at the beginning of the session, and would have an interest in forcing on the debate. If there was delay the public would know who caused it and what were his motives. Once more, the business of Congress is a struggle of minority with majority, the latter ruling by brute force. A minority cannot cross-question a majority, cannot oblige it to answer, may find its expostulations and arguments met, as in the case of the late inflation bill, by a silent vote. But an individual, with never so strong a majority at his back, cannot escape so. The taunts, sarcasms, and insinuations of opposition would destroy any man before the country who should endure them unmoved.

But the great and inestimable gain would be in responsibility. The Secretary having thus supreme control of theory and practice of plan and execution, there would be no shifting the burden to other shoulders and letting it drop in the process. Congress would fill the functions of real representatives of the people, not in the way of reckless and arbitrary and irresponsible legislation, but in watchful supervision of the responsible governing agents and in holding them to a swift and certain accountability.

The advantages of national representation need hardly be dwelt upon. It is true that the cabinet officers are not chosen by the nation, but the President who appoints them is. At present, the Executive, though he may furnish Congress with advice, has no direct communication with his constituents. The only hope of reëlection for an incumbent is to keep on good terms with the Congressional majority. He must so distribute the loaves and fishes of office as to secure a body of adherents who will put the necessary work into their respect-

ive States and Districts. A new candidate, to be available, must be pledged, up to his eyes, in the partition of spoils. But if a President could put into the Treasury Department a man or series of men who would lead the country steadily towards specie payments; into the State Department men who would reform the diplomatic service and raise the standing of the country abroad, and so on through all the departments; could not such a man overleap all caucuses and politicians direct to the heart of the country? How much had such agencies to do with the first election of General Grant?

Finally, the new method would furnish a test of individual skill. Where is there at present any financial reputation to guide the President in his choice of a Secretary? The mortifying failure of President Grant in his attempt to appoint a leading merchant of this city was enough to drive him back in disgust into the ruts of politics. The conflict of Congressional debate would soon furnish material for choice. If a champion wrestler or billiard player were wanted, would not the natural and simple method be to invite competition upon a public arena? And why not resort to the same process for a champion of the Treasury? It may be said that our recent Secretaries could not sustain such a conflict. For that very reason the career of such a Secretary would be speedily brought to a close, while by a process of natural selection the strongest of his competitors would fight his way to the position.

I have passed rapidly over these considerations which few candid or thoughtful persons would be inclined to dispute, to come to the second class of objections. Is it possible, under our present system, to bring about such a change? A constitutional amendment is hardly feasible in a matter which is largely tentative, and must proceed, as it were, step by step. Fortunately, no such amendment is needed. It is not proposed to make the cabinet officers *members* of the Houses, a term which implies a vote. When Alexander Hamilton had prepared, at the request of the first Congress, a report upon the finances, he sent to inquire whether they would have it orally or in writing. After a debate which turned wholly upon expediency, the latter was decided upon, and this, apparently an accident, but in reality a direct result of the grasping ambition of the legislature, established the state of things which exists to-day.

It is said, and this argument is chiefly urged by the English, that under our fixed terms of election, the executive ministry cannot resign in case of an adverse majority. But a confessed evil in the English system is, that in case of a ministerial defeat in one branch of administration, a revolution must take place in every department. Our President cannot, of course, resign, but he can change his cabinet

officers one by one. The English Premier is but one in a body of equals, and can have no authority over the others. Our President is the centre of all administration, and is to be judged once in four years by its collective result. Again, it is said that a defeated ministry must have the power of appeal to the country by a dissolution, which is also impossible with our fixed terms. This objection is met by the shortness of those terms. If the President was disposed to support a Secretary against Congress, it might be possible to drop a particular question or postpone it till just before a Congressional election, and then bring the merits of the contestants fairly before the people.

The Constitution of the Swiss Confederation furnishes a case in point. The governing bodies are a National Council, elected by the people, like our House, and a Council of the States elected by the Cantons, like our Senate, and both for fixed terms. These two bodies elect, in joint convention, a Federal Council of seven members also for a definite term of three years, the last-named Council choosing a President and Vice-President among themselves, and constituting the Executive body. By the Constitution the members of the Executive cannot be members of the legislative bodies, and they have no power of dissolution. Yet the Constitution contains two clauses, as follows: —

1. The members of the Federal Council have a consultative voice in the two sections of the Federal Assembly, as well as the right of submitting to them propositions upon the subjects under consideration.

2. The Federal Council administers the finances of the Confederation, proposes the budget, and renders the accounts of the receipts and expenses.

The great objection to the change which is always urged on behalf of Congress is, that it would give undue influence to the Executive. It would, however, substitute an influence open and responsible to public opinion, for one secret and irresponsible through the lobby and the distribution of offices. It would substitute the interest of the nation for the interest of members of Congress and their followers. And this brings us face to face with the one grand obstacle. The others are all matters of detail, and I have too much confidence in Yankee ingenuity and enterprise to believe that they will give up a principle recognized as advantageous, because of technical objections, without a thorough sifting and trial. A simple vote of Congress would at once put that principle in the way of a full and fair experiment. But it is certain that, as Congress is now composed, that vote will never be given. The same writer, whom I have already quoted, remarks, "A legislative chamber is greedy and covetous; it acquires as much, it concedes as little as possible. The passions of its members are its rulers; the law-making faculty, the most comprehensive of the

imperial faculties, is its instrument. It will *take* the administration if it can take it." Standing between the Executive and the people and completely overshadowing the former, it suits Congress to keep up a chronic howl about the danger of executive power, while it is perfectly willing to indulge the Executive in the most illegal and irresponsible abuse of power, if only that abuse is directed to fostering the passions and private interests of its members. We see on all sides associations forming to induce Congress to institute special reforms, while the essential preliminary to all reform is a change in the character of Congress itself. Mr. Madison, in a remarkable sentence in paper XLVII. of the "Federalist," says, "I shall undertake to show that, unless these departments (meaning the Legislative, Executive, and Judicial) are so far blended as to give each a constitutional control over the others, the degree of separation which the maxim requires as essential to a free government cannot in practice be duly maintained."

If time or my present subject would allow, it would be easy to point out how, not only in the Federal Government, but in the States, and even in our cities, the Legislative branch has swallowed up both the Executive and the Judicial, and in destroying all power but its own, has destroyed all responsibility. The history of France from 1789 to this hour, is one long lesson that this abuse of legislative power leads to military despotism for the protection of society. The Long Parliament in England fell like ripe fruit into the hands of Oliver Cromwell; and secure as we may think ourselves, the sober minds are not few who see in the present course of affairs a like result in a future not distant, as time is measured in the life of nations. On this ground the battle of free institutions must be fought. We are at this moment stumbling and groping in search of a new basis of party. Clearly there is no more important issue than the financial. But it is perfectly idle to attempt to form a party strong and united enough to force complex doctrines of finance upon Congress. National representation is the true method of meeting the difficulty. Give us a man, who by his position can gather up and express the national will, and backed by the national ballot-box can enforce that will upon a reluctant legislature! Of course, the cry of Danger! and Centralization! would be instantly raised. But while the power thus intrusted has to undergo the constant and daily ordeal of three hundred Argus eyes ready to blazon abroad the slightest illegal assumption, it can readily be shown that power is more than offset by responsibility.

I would not for a moment attempt to conceal the difficulty of the achievement which I have held out to view. But difficulty is a relative term. An effort which one might hesitate to undertake in view of an object of minor importance, may, if the end be adequate, become not

only advisable but imperative. If the path before us should prove to be the only one of escape from the fate of all democracies since the world began; if there should be one expedient only to save our Republic from crashing to ruin amid the mocking laughter of the partisans of divine right, then the word difficulty should be banished to the same category in which the First Napoleon is said to have placed the word impossible.

## CONFERENCE OF BOARDS OF PUBLIC CHARITIES,

HELD AT NEW YORK, MAY 20 AND 22, 1874.

IN accordance with an invitation extended to the Boards of Public Charities in the States of New York, Pennsylvania, Illinois, Massachusetts, Michigan, Wisconsin, Connecticut, Rhode Island, and Kansas, a Conference of these Boards was held on May 20th, at 10 A. M. At first, only delegates of these Boards and members of the Executive Committee of the Association were present; but after the organization, on motion of Dr. Bishop, the reporters were admitted, and members of the Association or others having experience in the matters discussed were invited to take part in the Conference. Hon. J. V. L. Pruyn, President of the New York Board, was appointed Chairman, and F. B. Sanborn, Delegate from the Massachusetts Board, was chosen Secretary. There were also present from the New York Board, Dr. Nathan Bishop, of New York; William P. Letchworth, Esq., of Buffalo; Hon. Samuel F. Miller, of Delaware County, and Dr. Charles S. Hoyt, of Albany, the Secretary. The State Board of Wisconsin was represented by Hon. Henry H. Giles, the President, and Mrs. W. P. Lynde, a member of the Wisconsin Board of Charities; and Connecticut by Mrs. Mariette E. Pettee, Secretary of the State Board of Connecticut. A dispatch was received from George L. Harrison, Esq., of Philadelphia, President of the Pennsylvania Board, announcing that a recent domestic affliction would prevent his attendance.

Letters were read from the Boards of Rhode Island, Pennsylvania, Michigan, and Kansas. The city Board of New York, which had been invited, was occupied with a public investigation during the sessions of the Conference, and was not represented therein; but gentlemen representing the State Charities Aid Association and the Bureau of Charities in New York City were present.

The first subject considered was, "The Duty of the States toward their Insane Poor," upon which Dr. J. B. Chapin, of the Willard Asylum for the Insane, at Willard, N. Y., made some brief remarks, as follows: —

### THE DUTY OF THE STATES TOWARD THEIR INSANE POOR.

"Underlying the initial legislation pertaining to the insane is the apprehension of danger to person and property which may arise from their irrespon-

sible condition. If it is conceded that the safety of the community requires the personal liberty of the insane should be restrained, it follows that an obligation rests upon the State to direct, in its sovereign capacity, that the restraint should be properly and humanely exercised, and the custodial care combined with such remedial measures as will afford the greatest probability of recovery, which the individual in his condition cannot direct intelligently for his advantage. The state of helplessness and dependence which insanity at once produces, excites commiseration and pity, and prompts to sympathetic impulses, which move a community to give them expression in legislative acts for the relief of persons thus unfortunately afflicted. It may be a question whether the exercise of legislative functions to accomplish humanitarian purposes comes strictly within the objects of a government, when these legislative acts require for their full execution the collection of taxes for objects which it is not alleged will add to the prosperity financially of the State, or enhance appreciably the value of the property of its citizens. Illustrating this view, it may be observed in this connection that taxes for purposes purely benevolent in their character are among the last to be levied and paid with reluctance, while those provided for internal improvements are more freely, and, sometimes, even liberally, voted.

"Our whole duty to the insane, as well as to all the dependent classes, may not appear from the nature and objects of human governments, but it does appear when we consider and accept those higher principles which it was the province of the Divine Master and Teacher to inculcate, the practical application of which distinguishes Christian from pagan civilization.

"If, then, the safety of society imposes a necessity of exercising a salutary control over the personal liberty of the insane, then those reciprocal obligations which exist and bind together the members of a community, also require that the State should make special provision for the medical treatment and supervision of its insane poor, whose helplessness, dependent condition, and hope of recovery appeal to our sympathy and higher sense of duty, without which aid they must inevitably seek that last refuge, — the refuge which the jail and almshouse afford.

"The existing institutions for the care of the insane, whether corporate or erected under State auspices, may be regarded as a recognition of these obligations. If we examine the history of the early efforts to establish each one of these institutions, we will find they had their origin in the hope of improving the condition of the insane poor; that these efforts have been materially aided by 'memorials,' 'petitions,' and official reports, representing the neglected condition of the insane in jails and almshouses, and that the favorable action of legislatures has seemed to be the direct result of these representations. In view of the many official recognitions of the claims of the insane poor, what becomes the duty of the States to this class?

"Recognizing the fact that the sentiment of a community conforms itself to its written statutes, it is of the first importance that the State, in its sovereign capacity, should clearly define the legal status of an insane dependent in accordance with the principles we have stated. It should not be discretionary with a public officer, before whom a case is presented for action, to send an insane person to an asylum, or to an almshouse and jail. With such formali-

ties as may be deemed requisite, there should be no discretion in the case; but the public officer should, in unmistakable language, be required by the statute to order the transfer of the insane dependent to a public asylum established and managed upon accepted and approved principles. The insane poor should be removed as far as possible while there, in all that pertains to their daily surroundings and maintenance, from the various baneful influences of political changes, and the mercenary economy which sometimes afflicts localities. The State institutions should be held strictly to their originally-designed purpose, so that the class for which they were, and are, intended, should have the fullest benefit of the establishment, and not be excluded by any policy of internal administration.

"In the earlier history of this subject it was usual to officially designate institutions for the insane as asylums, which conveyed to the popular sense the idea of permanent residence during a state of disability. Latterly it has been the practice of our legislatures to create establishments for the insane under the name and style of hospitals, which would seem to serve the purpose of a medical idea. No exception ought to be taken to a name did it not come to subserve in practice the purpose of the idea that such institutions were places of temporary abode for patients who were ultimately to find an asylum or refuge elsewhere, when pronounced incurable. Having a firm conviction that this practice has depreciated the value and importance of asylums, we believe the State establishments should be called, and actually become to the insane, asylums or homes, and the practice of discharging and removing incurables to the almshouses be abandoned.

"While great additions have been made to our knowledge of the nature of insanity, its proper medical and moral management, we must ask ourselves the question, whether the present state of medical science will warrant us in believing the percentage of recoveries will increase? We must regard actual results, and not take counsel of our medical enthusiasm and hopes, and confess that official reports do not justify the belief that this percentage is increasing. This statement should not be made without acknowledging the fidelity and earnestness with which so many members of the profession are laboring in this department of medical research. Would that we could realize the results that have been hoped for! Much as we love our profession and its noble offices, it is of more importance that the people of the several States be impressed with the results which actual experience develops, and prepared to discharge their whole duty to the large class of incurable insane persons who will remain a life-long public charge, as well as to the recent and curable cases.

"To recognize the fact, as we must, that a small portion of the insane poor are well cared for in the existing State asylums, while the mass are provided for in the almshouses, is a sad commentary upon the existing system. To propose that we must erect more hospitals, when we are yearly struggling for appropriations to complete those we have commenced, or to keep those we have erected in a proper state of repair, does not solve the problem, but postpones it. What our duty may be to the insane poor may be easy to determine for ourselves. If we would witness some results of a scheme of relief, it must be adapted to the appreciation of the popular mind, to the pecuniary ability of tax-payers, and have the merit of comprehensiveness.

"In reference to the disposition of recent cases with whom the hope of restoration mainly lies, no question can occur. There should be ample asylum accommodation prepared for their prompt treatment. The only question that we think can possibly arise is the proper disposition of the chronic and incurable cases. As we have before stated, it is our opinion that the discharge of incurables from the asylums should cease. We believe it is entirely feasible to attach to all the asylums supplemental departments in which the tranquil and manageable cases can be made more comfortable than under an almshouse organization, and on plans acceptable to tax-payers.

"We believe great concessions may be made in the plans, style of architecture, and cost of construction of asylums, so that additional structures will be entered upon with less reluctance. It is not necessary that these structures should be built to endure for ages. It is quite possible and probable that the changes of a single generation may cause a departure from present plans to be highly desirable.

"A word is necessary on the subject of the maintenance of the insane, and here, again, we are confronted with the financial aspect of the question. In those States where the expense of maintenance of the insane poor is a direct charge upon the counties or towns, there is a manifest reluctance, except in extreme cases, to transfer them to the State asylums, where the views as to their requirements differ, and the expense is greater than in the county poorhouses. We do not believe the differences which prevail on this point can be reconciled except by positive legislation. In conclusion, we deem it of the highest importance that entire harmony should exist and be cultivated between the boards of public charities of the several States, and the medical profession, as to the best policy to be pursued."

In these remarks Dr. Chapin was understood to express the views not only of himself, but of the trustees of his asylum, which is a large State establishment, with more than 800 patients, chiefly of the chronic insane. One of these trustees, Mr. Darius A. Ogden, of Penn Yan, N. Y., was present, and took part in the debate which followed the remarks of Dr. Chapin.

The Secretary, Mr. Sanborn, submitted a copy of an act lately passed in Pennsylvania, giving the Board of Charities in that State power to transfer the insane poor, who are found neglected or abused in almshouses and prisons, to the State hospitals and asylums, where they will be under medical supervision. This statute, and the others given on another page, grew out of the controversial discussion of the treatment of the insane poor in Pennsylvania, which was carried on last winter between the State Board of Charities and the superintendents of State establishments for the insane. Taken together, Mr. Sanborn said they give Mr. Harrison and his colleagues substantially the same powers and duties as were imposed on the Massachusetts Board by a law of 1864. In the discussion which followed it was evident that the experience of other States in regard to the chronic insane poor has been, or is becoming, very similar to that of Massachusetts.

Mention was made in this connection of the Asylum for Chronic Insane attached to the great State Almshouse at Tewksbury, Mass., and of the excessive mortality among its inmates in the year 1873. The whole number under treatment being 435, during the year ended October 1, 1873, not less than 60 had died, or nearly 14 per cent. of the whole number. Various causes had been assigned for this mortality, but it had been found that there was a lack of proper medical supervision and of sanitary provision for the patients, and, this evil having been exposed and in part remedied by the Board of Charities, the mortality had much declined during the past seven months. Mrs. Pettee spoke of the generally good condition of the Connecticut Hospital for the Insane Poor at Middletown, and Mrs. Lynde related some instances of neglect which had come under her notice in the county almshouses of Wisconsin. Dr. Bishop spoke in condemnation of the present costly architecture of establishments for the poor, both the sane and the insane, and, upon his motion, a committee of five was appointed to consider and report upon the subject of Buildings for the Indoor Poor. This committee consists of Dr. Nathan Bishop of New York, Chairman; Mrs. Lynde of Wisconsin, Dr. Diller Luther, Secretary of the Pennsylvania Board of Charities; Rev. F. H. Wines, Secretary of the Illinois Board, and Mr. D. A. Ogden, of the Willard Asylum, New York.

In opening the debate on the second topic considered by the Conference, *The Laws of Pauper Settlement, and the Best Mode of Administering Poor-law Relief*, Mr. Sanborn, the Secretary, submitted two Reports from Departments of the Association. The first, from the Department of Jurisprudence, related to the Settlement Laws of Massachusetts, and was as follows: —

### THE SETTLEMENT LAWS OF MASSACHUSETTS.

*A Report from the Department of Jurisprudence,*

Drawn up by Edward W. Rice, Esq., of Boston. Read May 20, 1874.

Our settlement law, in its origin, seems not to have been so much indebted to the English law as is commonly supposed; for the settlement law, properly so called, did not come into existence in that country until 1662, when the statute of 14 Charles II., cap. 12, authorized the removal of a pauper to his own parish, from a place where he had remained less than forty days. Previously that power did not exist, although, in 1601, the celebrated statute of 43 Elizabeth, cap. 2, had made provision for the poor by establishing a system of compulsory relief. This statute is the foundation of the English Poor Law. Those previously in force were directed against "valiant beggars and sturdy vagabonds," and were designed mainly for the suppression of vagrancy.

Our earliest colonial statute covered both provision for support and removal of paupers. It was enacted in 1639, as follows: "It is ordered that the court, or any two magistrates out of court, shall have power to determine all differences about a lawful settling and providing for poor persons, and shall have power to dispose of all unsettled persons into such towns as they shall judge to be most fit for the maintenance of such persons and their families and the most ease of the country." — *Anc. Chart.* 173.

This was followed, in 1655, by a statute, which, after reciting that there was great complaint by reason of strangers pressing into towns without the consent of the inhabitants, there being "no law to prevent the same," empowered towns to prevent the coming in of such persons, without the "allowance of the prudential men," and to require security at their entrance from those that brought them in. — *Rec. of Mass.* iii. 376.

In 1659, "for the avoiding of all future inconveniences referring to the settling of poor persons," it was ordered "that when any person, with his family, or in case he hath no family, shall be resident in any town or peculiar of this jurisdiction for more than three months without notice given to such person or persons . . . . that the town is not willing that they should remain as an inhabitant amongst them;" or, if they should remain after such notice, and there should be no application by the selectmen to the next county court for relief, then such persons were to be relieved, in case of necessity, by the inhabitants of said place. The county courts had power to determine complaints, and appeals to the court of assistants were granted.

In 1675 this statute was modified respecting those persons who had been driven from their homes through "the present calamity of the war" and their support, when relatives were unable to provide, was thrown upon the "publick treasury." — *Anc. Chart.* 174.

The statute called the 4th William and Mary, cap. 13, 1692 (Anc. Chart. 251), provided that a residence of three months without warning should give a settlement, except to those who were committed to prison in any town or lawfully restrained there, or who had come for nursing or education, or to be healed by a physician or surgeon. Persons warned to leave, and neglecting to do so for fourteen days, might be sent, by justice's warrant, from constable to constable, to the town where they belonged. This statute was in force until 1701, and provided the only method, during this period, by which settlements could be gained by persons competent to acquire them in their own right.

During this period derivative settlements might be acquired, —

By marriage. — A woman, by a valid marriage, took the settlement of her husband, if he had one, otherwise she retained her own.

By parentage. — Legitimate children took the settlement of their father, if he had any; otherwise the settlement of their mother, if she had any.

By birth. — The birth-place of illegitimate children, and, it seems, of legitimate children, whose parents had no settlement, was their place of settlement.

By slavery. — While slavery was tolerated, a slave took the settlement of his master.

The statute of 13 William III., A. D. 1701 (Anc. Chart. 362), changed the time of residence without warning from three to twelve months, and provided that a settlement might be gained by obtaining the approbation of the town, or its selectmen. An explanatory act in 1739 — 13 Geo. II. — declared that the approbation of the town must be obtained at a regular meeting, and that of the selectmen by a writing under their hands or the hands of the major part of them.

In 1767 — 7 Geo. III. — it was enacted that after April 10, in that year, no person should gain an inhabitancy in any town by any length of time he might continue there without warning, unless such person should first have made known his desire to the selectmen thereof, and obtained the approbation of the town at a general meeting of the inhabitants. All persons not thus approved might be removed to the towns where they belonged, by warrant of a justice of the peace.

This statute was continued in force until 1789, and provided the only means of gaining a settlement in one's own right. Derivative settlements were acquired by (1) marriage, (2) parentage (an illegitimate child taking its settlement from its mother, instead of, as formerly, from its birth-place), and (3), until 1780, by slavery. Under the construction given to this statute, no settlement could be acquired by birth, and such has ever since been the law.

The act of June 23, 1793, provided six methods by which a settlement might be acquired by a *citizen of this Commonwealth.*

(1.) By being seized of an estate of freehold of the clear annual income of three pounds, and residing thereon or within the same town or district, occupying and improving the same in person for the space of two whole years.

(2.) By residence and payment of a town tax, after the age of twenty-one years, for the term of five years successively.

(3.) By residence of two successive years without warning.

Methods 2 and 3, however, never went into operation, having been repealed by subsequent statutes.

(4.) By vote of the town, in case such citizen, after the passage of the vote, should reside in the town.

(5.) Marriage.

(6.) Parentage. — Children born in wedlock, at the time of their birth and afterwards, were to be deemed inhabitants of the same town or district with

their parents; if otherwise born, to be deemed inhabitants with the mother until they obtained a legal settlement in some other town or district.

The provisions of this law did not enable persons imprisoned or lawfully detained, coming for nursing, education, or support, or to learn a trade, to acquire a settlement by residence. No person could have two settlements at once; but, on acquiring a new one, was deemed to have relinquished the old.

The statute of February 11, 1794, repealed all existing settlement laws, but continued all settlements until they should be defeated by new ones acquired under its provisions.

It was enacted that legal settlements in any town or district in this Commonwealth shall be hereafter gained so as to subject and oblige such town or district to relieve and support the persons gaining the same, in case they become poor and stand in need of relief, by the ways and means following, and not otherwise, namely: —

(1.) A married woman shall always follow and have the settlement of her husband, if he have any within this Commonwealth; otherwise her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage; and, in case the wife shall be removed to her settlement, and the husband shall want relief from the State, he shall receive it in the town where his wife shall have her settlement, at the expense of the Commonwealth.

(2.) Legitimate children shall follow and have the settlement of their father if he shall have any within this Commonwealth, until they gain a settlement of their own; but if he shall have none, they shall, in like manner, follow and have the settlement of their mother, if she shall have any.

(3.) Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she shall then have any within the Commonwealth; but neither legitimate or illegitimate children shall gain a settlement by birth in the place where they may be born, if neither of their parents shall then have any settlement there.

(4.) Any person of twenty-one years of age, being a citizen of this or any of the United States, having an estate of inheritance or freehold in the town or district where he dwells and has his home, of the clear yearly income of three pounds, and taking the rents and profits thereof three years successively, whether he lives thereupon or not, shall thereby gain a settlement therein.

(5.) Any person of twenty-one years of age, being a citizen of this or any of the United States, having an estate the principal of which shall be set at sixty pounds, or the income at three pounds, twelve shillings, in the valuation of estates made by the assessors, and being assessed for the same to state, county, town, or district taxes, for the space of five years successively in the town or district where he dwells and has his home, shall thereby gain a settlement therein.

(6.) Any person being chosen, and actually serving one whole year, in the office of clerk, treasurer, selectman, overseer of the poor, assessor, constable, or collector of taxes in any town or district, shall thereby gain a settlement therein.

(7.) All settled, ordained ministers of the gospel shall be deemed as legally settled in the towns or districts wherein they are or may be settled and ordained.

(8.) Any person that shall be admitted an inhabitant by any town or district at any legal meeting, in the warrant for which an article shall be inserted for that purpose, shall thereby gain a legal settlement therein.

(9.) All persons, citizens as aforesaid, dwelling and having their homes in any unincorporated place at the time when the same shall be incorporated into a town or district, shall thereby gain a settlement therein.

(10.) This section is concerning settlements, upon division of towns or districts.

(11.) Any minor who shall serve an apprenticeship to any lawful trade for the space of four years in any town or district, and actually set up the same therein within one year after the expiration of said term, being then twenty-one years old, and continue to carry on the same for the space of five years therein, shall thereby gain a settlement in such town or district; but such person, being hired as a journeyman, shall not be considered as setting up a trade.

(12.) Any person being a citizen, as aforesaid, and of the age of twenty-one years, who shall hereafter reside in any town or district within this Commonwealth for the space of ten years together, and pay all state, county, town, or district taxes, duly assessed on such person's poll or estate, for any five years within said time, shall thereby gain a settlement in such town or district. And every legal settlement when gained shall continue until lost or defeated by gaining a new one; and, upon gaining such new settlement, all former settlements shall be defeated.

The act of February 21, 1822, repealed the fourth provision of the act of 1794, and enacted that any person of twenty-one years of age, being a citizen of this or any of the United States, having an estate of inheritance or freehold in any town, district, or city within this Commonwealth, and *living on the same* three years successively, shall thereby gain a settlement.

The act of 1794, as thus modified, is substantially embodied in chapter 69 of the General Statutes, and with some further modifications to be noted, is in force to-day.

Two hundred dollars and twelve dollars were substituted in the General Statutes for the sixty pounds, and three pounds, twelve shillings of the act of 1794.

Chapter 328, statute 1868, removed the necessity of citizenship, and provided that persons otherwise qualified should be deemed to have acquired settlements, although not citizens of this or any other of the United States; and the words "whether such other qualifications shall have been acquired before or after the enactment hereof" were added by chap. 379, stat. 1871.

The act of 1870, chap. 392, provided that any unmarried woman of

the age of twenty-one years, who should thereafter reside in any place within the State for ten years together, without receiving aid as a pauper, or being convicted of crime, should thereby gain a settlement in such place. By the same act, all settlements acquired by virtue of any provision of law in force prior to Feb. 11, 1794, except when the existence of such settlement prevented a subsequent acquisition, were defeated. When a settlement by marriage is defeated by this act, the former settlement of the wife is revived unless defeated in the same way.

The statute relating to soldiers' settlements was passed in 1865 (c. 23) and amended in 1870 (c. 392), and stand as follows: —

Any person who shall have been duly enlisted and mustered into the military or naval service of the United States, as a part of the quota of any city or town in this Commonwealth, under any call of the President of the United States during the recent civil war, and who shall have continued in such service for a term not less than one year, or who shall have died or become disabled from wounds or disease, received or contracted while engaged in such service, or while a prisoner in the hands of the enemy, and the wife or widow and minor children of such person shall be deemed thereby to have acquired a settlement in such city or town.

The provisions of the preceding section shall not apply to any person who shall have enlisted and received a bounty for such enlistment in more than one town, unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who shall have been proved guilty of willful desertion, or to have left the service otherwise than by reason of disability or an honorable discharge.

The law now in force may be summed up as follows, leaving out of view the special provisions in regard to soldiers' settlements, which have been given.

A settlement may be acquired by any adult person, irrespective of citizenship, in his or her own right, in any city or town, —

I. By ten years' continuous residence therein, accompanied by the payment of all taxes, duly assessed, for any five years within said time, or, in the case of an unmarried woman, by such residence, without receiving relief as a pauper or being convicted of crime.

II. By a residence of three successive years on his or her estate of inheritance or freehold, situated therein.

III. By the possession of an estate the principal of which shall be set at $200, or the income at $12, in the valuation of estates, made by assessors, and being assessed thereon for all taxes for five years successively, if the person dwells or has his home in the place where such assessment is made.

IV. By being chosen and actually serving one whole year as clerk, treasurer, selectman, overseer of the poor, assessor, constable, or collector of taxes therein. Said year is defined as the time between two successive town meetings.

V. By being settled as an ordained minister therein.

VI. By being admitted as an inhabitant therein at a legal meeting held under a warrant containing an article for that purpose.

VII. By dwelling and having a home in an unincorporated place at the time of its incorporation into a town.

VII. By setting up and carrying on a lawful trade for five years in any place, provided that the person while a minor has served a four years' apprenticeship in said trade and place, and has set up the trade within one year after the expiration of the term of apprenticeship.

A derivative settlement may be gained, —

I. By a married woman, who "shall follow and have the settlement of her husband, if he has any within the State; otherwise her own at the time of marriage, if she then had any, is retained."

II. By legitimate children, who "shall follow and have the settlement of their father, if he has any within the State, until they gain a settlement of their own; but if he has none they shall, in like manner, follow and have the settlement of their mother, if she has any."

III. By illegitimate children, who "shall follow and have the settlement of their mother at the time of their birth, if she then has any within the State; but neither legitimate or illegitimate children shall gain a settlement by birth in the place where they may be born, if neither of their parents then has a settlement therein."

Every legal settlement shall continue until it is lost or defeated by acquiring a new one within the State, and, upon acquiring such new settlement, all former settlements shall be defeated and lost.

Under the operation of the law which continues the old settlement until a new one within the State be gained, a person transmits a settlement acquired therein to his posterity, although he himself should remove to a foreign country, and there rear his children. Its working is illustrated by a case in 10 Mass. Rep. 411, where the facts were, that a pauper having a settlement derived from his father, removed into New Hampshire, and there had a son born, who afterwards came into this State and had children. It was held that these children had a settlement here derived from their great-grandfather. See also 105 Mass. 292, for a case where the settlement was derived from one acquired in 1675. It has been stated that settlements acquired prior to 1794 are now, except in certain cases, defeated. Otherwise the law governing those cases is still in force. The system under which settlements are inherited is objectionable from the time and expense involved in the laborious search into ancient records and the tracing of long genealogies required. The proper purpose of a settlement law is not to ascertain the particular community from which a pauper can claim his own support and that of his family, as a matter of right, but simply to distribute fairly the burden of supporting those who must not be left uncared for, having at the same time due regard to principles of humanity and economy in fixing the place of such support.

A rule which shall effect this, and yet be easy of application, is the thing to be sought. That which fixes the settlement, until the acquisition of a new one, at the place of birth, has the merit of simplicity, and removes the necessity of tracing a pauper's lineage; but it seems necessary that such a law should be accompanied by provisions guarding against the separation of families and covering special cases, where otherwise settlements would be withheld: so that with these necessary modifications it would become, it is thought, more complex than a proposed amendment which is annexed.

This amendment is designed to remove the objectionable features of our present law of derivative settlement, and at the same time to provide, as far as possible, for all cases where settlements should be given.

Our law relative to the gaining of original settlements is more complex and stringent than those of most of the other States. It is substantially the law of 1794, which, in some of its provisions, as in those respecting the possession of property and the holding of public office, seems to have been modeled after English statutes then in force. These provisions were originally inserted in the English law in limitation of a power of summarily removing a person who should venture into a parish where he had no settlement; for not until 1795 was it a prerequisite to such removal that the person become actually chargeable as a pauper.

Since populations nowadays are more fluctuating than was the case when our settlement law went into operation, and since, also, ideas respecting the powers of local governments have somewhat changed, it seems proper to inquire whether the requirements of our law ought not to be modified. The tendency of modern legislation is evidently in this direction. The only States besides our own which now make the possession of property a means of gaining settlements are Vermont, New Hampshire, Rhode Island, Connecticut, Pennsylvania, New Jersey, and Delaware, and of these the four latter alone require a person to live upon the estate. Their provisions respecting the property qualifications may be found in the Eighth Report of the Board of State Charities, pp. 14, 15. The other States merely prescribe a certain period of continuous residence, the same for men and unmarried women, without possession of property or the payment of taxes, as follows: Maine, 5 years; South Carolina, 3 years; New York, Virginia, West Virginia, North Carolina, Ohio, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Missouri, and Oregon, 1 year; Illinois, Mississippi, and Kansas, 6 months; and Nebraska 30 days. In Prussia a single year's residence has recently been made the prerequisite to a settlement.

While the character of the population and industries of our own State may justify a more stringent requirement respecting residence

than is deemed necessary in many of the others, still it may be questioned, whether the period as now fixed (10 years) is not too long. The recommendation made in the Report of the Board of State Charities that has been referred to, that both this requirement and those relative to property be repealed by a law making three or five years' continuous residence (irrespective of the payment of taxes, unless that be made conclusive evidence of residence) the condition of a settlement, seems worthy of consideration.

As towns no longer undertake to say who shall or who shall not live within their limits, the provision on our statute book relative to the admission of an inhabitant by vote, seems to be out of keeping with the times, and unnecessary. Some of the other provisions, which need not be here specified, seem open to the same objection.

EDWARD W. RICE.

BOSTON, *January* 15, 1874.

PROJECT OF A LAW.

1. Whoever has an original settlement in any place in this Commonwealth may transmit the same to a wife or minor child, according to the laws now, or at any time hereafter, in force. But no derivative settlement shall hereafter be transmitted.

2. Children, including minors born before the passage of this act, shall have a settlement in the place of their birth, if born within this State of parents neither of whom then has an original settlement therein, or in case of illegitimacy, if born of a mother who then has no such settlement. But if either parent, or in case of illegitimacy, the mother, shall afterwards, during the minority of such child, gain an original settlement therein, the settlement of the child shall follow that of the parent.

3. This act shall not defeat any settlement already established by suit at law, or recognized by support furnished; nor any claim for support already made against any city or town, upon which the notification provided by General Statutes, c. 70, secs. 17, 18, has been given more than sixty days before the passage of this act; but no settlement shall hereafter be deemed to have been acquired by transmission from a derivative settlement, except as herein provided.

In order to complete this Report up to the present date, Mr. Sanborn said it was necessary to add some very important recent changes made by an amendment of the Massachusetts Settlement Laws, passed within a few days by the Legislature at Boston, upon the recommendation of the Board of Charities. The system is so complicated in that State, that it has been found necessary to proceed with great caution in amending it, and the Legislative Committee reporting the proposed amendments, April 30, 1874, used this language: —

Any radical change in the laws of settlement is beset with great difficulties, and is likely to be productive of more or less harm than good to those whom it

is sought to benefit. We believe that it is safest to make haste slowly, and to test by experience the effect of moderate changes. If these prove successful, further legislation can readily be had in the direction they indicate. We therefore report a bill the main object of which is to make better provision for the unsettled poor. This bill does not change existing settlements. Every settled person is to remain where he now belongs, until that settlement is defeated and a new one gained in the ordinary course of law. It does not interrupt or defeat any settlement in process of acquisition. This is to be completed, as before, under existing laws. It does not change the principles underlying the present laws, but merely adapts them to the exigencies of the present day, by shortening the time and lessening the number of taxes required for settlement. It gives all settled persons a fair and equal start, by allowing them to commence now to gain a new settlement under its provisions. It provides liberally for the unsettled by giving all a settlement who can show a continuous residence of five years and the payment of three taxes within that time, whether the residence and taxation be wholly before, or wholly after, or partly before and partly after, its enactment. It relieves the most pressing claim brought to the attention of the Legislature, by giving women a settlement by five years' residence, providing within that time they have not been paupers. And finally, it exempts from its benefits the present State pauper inmates of the public institutions — to the end that no injustice may be done to any city or town.

This bill became a law in May, and now stands on the Massachusetts Statute Book entitled, "An Act for the More Efficient Relief of the Poor." Being brief it may be cited here in full as an appendix to the Jurisprudence Report, and runs as follows: —

Sec. 1. Any person of the age of twenty-one years, who resides in any place within this State for five years together, and pays all state, county, city, or town taxes duly assessed on his poll or estate for any three years within that time, shall thereby gain a settlement in such place.

Sec. 2. Any woman of the age of twenty-one years, who resides in any place within this State for five years together, without receiving relief as a pauper, shall thereby gain a settlement in such place. The first section of the 392d chapter of the acts of 1870 is hereby repealed.

Sec. 3. No existing settlement shall be changed by any provision of this act, unless the entire residence and taxation herein required shall have accrued after its passage; but any unsettled person shall gain a settlement upon the completion of the residence and taxation herein required, though the whole or a part of the same may have accrued before the passage of this act.

Sec. 4. The provisions of this act shall not apply to any person who at the date of its passage shall be an inmate of either of the State Lunatic Hospitals, the Asylum for Insane and the State Almshouse at Tewksbury, the State Workhouse, or the State Primary School, until such person shall have been duly discharged from said institution.

The second Report submitted was not read until the afternoon of Friday, May 22d, when it was ably discussed in the General Meeting of the Association. It was proposed by the Committee of the new De-

partment of Social Economy, and was read by Dr. Robert T. Davis, of Fall River, Massachusetts, a member of the Committee. As printed below it is signed by all the members of the Committee; but it is proper to state that the original draft was prepared by Charles L. Brace, Esq., of New York; and that the modifications made by the Committee affected chiefly the general statements of the Report, and not those relating to last winter's experience in New York, in regard to which Mr. Brace is a very competent witness. Appended to this paper will be found an imperfect record of the debate concerning it, in the General Meeting.

## PAUPERISM IN THE CITY OF NEW YORK.

### *A Report from the Department of Social Economy.*

Read May 22, 1874, by Dr. R. T. Davis, of the Department Committee.

Pauperism is a matter which is daily becoming of more importance to our whole community. The effects of an irredeemable paper currency have been to stimulate speculation and to rob labor of its earnings. The laboring class, through the influence of this currency and the business panics which it has occasioned, has been thrown more and more into difficulties. Large numbers of workingmen, with their families, have, during the past year, been thrown out of employment without a sufficient fund of savings to fall back upon.

Extravagant habits in the time of their prosperity have taken away their reserved means of support when times of depression came. On the other hand, the fortunate class of the United States is one of peculiar philanthropy and benevolence. Wherever they see misery they are only too prompt to aid it; their readiness to give to the needy, whether deserving or undeserving, was never exceeded in any civilized community. Their charity, too, has much impulse in it, and little reflection, so that often, through their very kindness of heart, they plant evils which they were trying to prevent. The natural consequence, accordingly, of a wealthy class desiring to help, and of a needy class wanting assistance, is that certain people are weakened in their habits of self-support and are accustomed to depend on the bounty of others.

Formerly, when work was so well paid, and labor was so independent, there was little danger of creating this class of dependents or paupers; but the present confusion of our financial system, and the irredeemable currency, tend to make the poor poorer, and the few richer; thus separating classes more than ever, and degrading the laborer. The experience of all civilized countries is that in such a state of things pauperism will inevitably be created, and a pauper class formed or greatly increased. The process of the formation of such a class has been very distinctly shown in the experience of one of our large cities during the past winter.

### INDISCRIMINATE CHARITY IN NEW YORK.

New York, as is well known, is a large manufacturing centre, and employs great numbers of artisans and mechanics. It has also a vast number of ordinary day-laborers, as well as an unusual number of those who, in the best of times, just keep their heads above water. When the industrial and business panic came upon the city last autumn, it was seen at once by the benevolent and fortunate classes that widespread distress would ensue.

Though the business community was exceedingly impoverished, and those with large capitals felt themselves in temporary embarrassment, preparations were at once made for the relief of those who were still more unfortunate. No words can ever praise too warmly the generosity and unselfishness of motives of a large part of the New York community in their gifts of charity during the past winter. Still, it was too often a generosity without discretion. Some of the gifts were no doubt prompted by the selfish prudence of capital wishing to guard against the discontent of the poor; others were undoubtedly given merely for sensation or from fashion; but still, with all that, there remained liberal donations which were the expression of pure benevolence and compassion.

Warnings were early put forth, by persons experienced among the poor, as to the danger of creating pauperism by indiscriminate charity, and especially by that form of it administered in soup-kitchens. The objections to these latter are, that being public in administering the relief, they tend to diminish that delicacy and self-respect among the poor, which are their best safeguards against pauperism. Being also from necessity widely advertised, they call in the imposters and the vagrants from every direction to enjoy the public benefaction. By the public example of alms they induce many to be paupers who were never so before, while they do not at all relieve the truly deserving, who hesitate to be exposed to such publicity. They are, in fact, an especial assistance to the idle, and a reward to the improvident.

The experience of New York in 1857, and of Boston and other cities since that date, proves that the soup-kitchen charity only creates pauperism. Despite the warnings of the experienced, soup-kitchens and free lodgings were opened, by public and private means, with the utmost liberality, in various portions of New York last winter, and enormous sums were contributed by private citizens for these popular benefactions. Before the winter was over, however, most of those engaged in them regretted, without doubt, that they had ever taken part in these kindly but mistaken charities. The reports of competent observers show what were their effects. The announcement of the intended

opening of these and kindred charities immediately called into the city the floating vagrants, beggars, and paupers, who wander from village to village throughout the State. The streets of New York became thronged with this ragged, needy crowd; they filled all the station-houses and lodging-places provided by private charity, and overflowed into the island almshouses. Street-begging, to the point of importunity, became a custom. Ladies were robbed, even on their own doorsteps, by these mendicants. Petty offences, such as thieving and drunkenness, increased. One of the free lodgings in the upper part of the city, established by the Commissioners of Charities, became a public nuisance from its rowdyism and criminality.

Nor would these paupers work. On one occasion the almshouse authorities were discharging a band of able-bodied paupers, and, having need of some light out-door labor on the island, they offered these men what is thought good country wages — that is, $15 per month and board. They unanimously refused, preferring the free lodgings and free lunches of the city.

But with these "tramps" came another and more respectable throng, hurrying toward this "feast of charity" — honest and hard-working laboring men from every part of the neighboring country. Farms in the interior of New York were left stript of laborers, though the farmers offered good wages. Working men came from as far away as Pittsburg and Boston; partly, no doubt, to see the sights of New York, but hoping also for aid from public and private charities.

In some cases young men were arrested in criminal houses, who made their head-quarters in these soup-kitchens or relief-houses, and then sallied out to enjoy the criminal indulgences of the city.

The pauperizing influences, however, of this indiscriminate charity reached beyond these classes. Poor families abandoned steady industry, got their meals at the soup-kitchens, and spent the day in going from one charitable organization to another. Those experienced with this class report that such people acquire a "Micawber" habit of depending on chances, and seldom return to constant work again. Instances were known of families taking their meals from the Relief Association, and spending the money set aside for this daily in liquor, so that in the poorest quarters the liquor trade was never so prosperous.

A singular effect also was produced on the class of homeless girls. Many avoided the houses where charity was connected with work, and obtained their meals at the free-lunch places, and then lodged in the low, cheap lodging-houses, where their habits were uncontrolled, and they could wander the streets at night. Many were thus enticed into ruin.

But another class now felt the pauperizing influence of this charity — one which had never stooped to public alms before — the mechanics and artisans. These were not driven by the severest poverty. They had been in receipt of wages from $3 to $5 per day. They had much money laid up in the savings banks. They contributed through the winter large sums to various strikes and labor unions. The best proof that they were not pressed by poverty is, that never once did they lower their demand for wages in any branch of industry. The most ignorant job-work — as, for instance, a man's labor in moving — was fifty cents an hour. Few would even clean snow from a sidewalk, or cut or saw wood, or carry burdens, for less than at the rate of $2 or $2.50 per diem. Mechanics still demanded from $3 to $5 per diem. It was notorious that important trades, such as the building trade, were at a stand-still on account of high wages, and that the employing class could not afford to pay such high rates. Yet no wages came down. Labor was in struggle with capital against a lowering of prices. Charity assisted labor in the combat. The soup-kitchens and relief associations of various names became thronged with mechanics. Some of the best workingmen in the city ate and lodged at the public expense. Thousands of able-bodied artisans, young and skillful, were fed by alms. The idleness and the dependence injured many among them irretrievably. The whole settlement of the labor question was postponed by the over-generous charity of the city, and spring came upon the mechanical class without a revival of trade, which might have come if misguided kindness had not supported them in this struggle.

These benevolent institutions also interfered with many kinds of legitimate business. Thus, in one ward — the Eleventh — a number of small eating-house keepers, who had made an honest living by their occupation, were almost thrown into bankruptcy by the competition of certain soup-kitchens established by religious associations. A similar thing occurred in other wards. In one district, also, a keeper of a laundry, who had ten or twelve girls in his employment, at good wages, found himself stripped of his help in the midst of the winter, these women preferring to live for nothing in the free lodgings. He, accordingly, was compelled to advertise for help, and spent, as he related, $8 in the effort, but without success, and was ultimately obliged to close his laundry.

It had been expected that this industrial crisis would bring down the wages of female servants, since these had remained at a high rate, though all other prices had fallen. The Superintendent of the Free Labor Bureau, however, stated that during all this distress the poor girls who came to his office could not be induced to take situations for less than from $14 to $20 per month, and said that they preferred to

live at the charitable institutions until they could get such wages as they chose. It is well known that the wages of female labor have been as high this winter as at any time since the war.

One of the free dormitories for women was, in fact, broken up by its coming to the knowledge of the directresses that a lady, on one occasion, offered each lodger a situation in a good family at $10 per month, and not one of these "victims of poverty" could be found who would accept the place on the terms.

We have dwelt in detail on this experience in New York because it is exceedingly instructive with reference to all future effort in our cities for relieving poverty.

### PREVENTION OF PAUPERISM.

The first condition in preventing pauperism is that relief should, as much as possible, be connected with labor. Every almshouse ought to be a workhouse, and many of these institutions in the rural districts could probably pay their own expenses if they were permitted to employ the able-bodied paupers in remunerative labor. An almshouse near New Haven supported itself for many years by the work of its inmates. If almshouses cannot suitably be turned into workhouses, each State should establish certain workhouses where able-bodied trampers could be compelled to remain long enough to pay for their support. An effort is being made in the State of New York to establish three or four such workhouses. All private charity should be connected as much as possible with work, and those associations should be encouraged which distribute their benefactions by means of work performed.

It is not enough considered by the community that a worse evil to the poor than poverty is the spirit of pauperism. This degrades all that is manly and self-respecting in a human being, and destroys all habit of industry and self-support; it undermines the moral forces, so that a community of paupers, transmitting pauperism to children of like character, would soon become one of the most degraded and miserable on the face of the earth. In fact, however, a pauper family seldom lasts beyond three or four generations, since physical and mental power become absolutely degenerated and finally extinct.

Great care also should be taken in distributing benefactions that they only be given after careful house visitation. To call the poor to a public office, to clothe, feed, and help them, is to offer a bounty to pauperism, and to encourage the very evils the benevolent are seeking to prevent. In case of any public and widespread distress, the proper course is for the fortunate classes to district the poor classes, and visit carefully from house to house, finding those who are the truly

deserving recipients for charity. In this way assistance can be given much more exactly to those who are truly in need of it.

The great temptation at such periods of public distress is to multiply the machinery of charity. This tends at once to encourage imposture, for the new laborers in the field are probably less experienced and more anxious to increase the number of cases to relieve; the expenses, too, of agency are increased. The existing machinery of charity of a large city is nearly always sufficient for any great public distress if it be judiciously enlarged.

Those agencies should be especially encouraged by the public, which employ house-to-house visitation, or which provide labor for the poor by transferring them to some place where work is in demand. This, of all the remedies in the United States for poverty, is the most natural and most permanent. The honest and industrious poor, transported from a large city to a Western State, where their labor is in demand, will seldom become paupers again; will immediately add to the wealth of the country, and will bring up children who will, in all likelihood, become producers. The expense of this method of charity, though apparently consisting largely of expenses of distribution, — that is, of salaries of agents and railroad fares, — are in reality less than those of any other method, as the person relieved is entirely removed from the community which is in distress, and seldom becomes chargeable again upon it, while he immediately adds to the wealth of the country.

Among charities those are not necessarily the most useful which supply most directly the bodily wants of the needy. The first duty of a community like the American is not to feed the hungry and clothe the naked, but to prevent people from being hungry and naked. Educational and preventive charities are those which most truly and permanently benefit the country; the alms-giving charities should only be resorted to in dire necessity.

### OUT-DOOR RELIEF.

The great question between out-door and in-door relief cannot be settled in a new community with the same precision that it could be in an old one. There seems to be little doubt that out-door relief, enforced by law, has been a great promoter of pauperism in England, and that the workhouse test applied to "the valiant beggars" of that overcrowded community has been, on the whole, more successful than the distribution of charities among outside families. In Ireland, also, where out-door relief has been mainly given up, there has been a great decrease of pauperism. There can be no question that if out-door assistance comes to be considered a right by the great body of the poor, it will inevitably tend to encourage pauperism. The reforms

introduced in England by the Poor Law of 1834 were in the direction of diminishing out-door relief, of employing the workhouse test, and of compelling paupers to be cared for in public institutions.

In both England and Ireland, where pauperism had become such a disease of the body politic, it was deemed indispensable to apply the severe workhouse remedy, but in this country, out-door relief, as employed by the officials in small rural communities, has commonly been productive of good, and has not been widely abused. A little assistance from village authorities to a poor family, whose father has suddenly died, will frequently prevent the children from falling into permanent pauperism. It often happens, too, that the father or mother of a laboring family is suddenly disabled by sickness, and the whole family, if not temporarily aided, would be driven to the poorhouse, where they would certainly acquire the habits of paupers. A little temporary assistance to such a family preserves them to the community as industrious workers. There is a good reason for the aversion of our New England poor to the country poorhouse; it is a healthful feeling and should be encouraged.

Out-door relief can, of course, be easily abused. In a large city it is peculiarly liable to be perverted into a means of "bribery and corruption," or to scatter relief among the undeserving. If it becomes too strictly a matter of custom or of law, it tends to foster improvidence and dependence. It is a machinery which must be handled with great discretion and judgment, and some good observers have gone so far as to recommend that in all our large cities its use should be entirely abandoned by the public authorities. While we cannot concur in this, we are confident that in many, perhaps most of these cities, out-door relief has been greatly abused at various times; that it has encouraged pauperism, has assisted the undeserving, and has been often merely the distribution of a political fund.

In regard to this distinction in public alms-giving, which is spoken of in America by its English names of "in-door and out-door" relief, something is to be said by way of explanation and caution. It will not do to reason from English facts and English experience in this matter to the facts and the experience of American communities, even in our great cities. The terms used on the two sides of the ocean have not the same signification; and this will be seen by a few figures. Mr. Vallance, a well-informed Englishman, who read before a social science meeting in London, four weeks ago, the last paper on out-door relief which has reached us from the mother country, states the whole expenditure for out-door relief in England, at present, as about £3,500,000, or more than $18,000,000 in a year; while the cost of in-door relief is but £1,500,000, or some $8,000,000 yearly. That is to

say, less than a third part of the pauper expenditure of England is now for in-door relief, while more than two thirds (to be exact, seven tenths) of this cost is expended for out-door relief. Now, nothing of this sort is known in the United States. There is not a State nor a city wherein the cost of public out-door relief exceeds that of in-door relief, and in most places it is less than a third part as great. In the city of Boston the cost of out-door relief is less than two fifths of the whole pauper expenditure; in the whole State of Massachusetts it is between a fourth and a third of the whole; in the city of New York, according to official figures, it is but little more than a tenth part; in Philadelphia it is not a fourth part. It is therefore plain, at a glance, that the abuses of public or legal out-door relief are much less flagrant in this country than in England.

These figures may be put in another form. On the 1st of July, 1873, the whole number of paupers reported in England and Wales, with a population of scarcely 22,000,000, was 822,523, of whom 650,000 were out-door and only about 172,000 were in-door paupers. That is to say, in the season of the year when out-door relief is most amply provided by nature for the poor, and consequently, when the Poor Law Guardians have the least occasion to furnish it, they do, in fact, maintain or aid nearly four times as many persons outside of the almshouses or workhouses as are supported inside. Now, in the State of New York, it is safe to say that on the 1st of July, 1873, there were more than twice as many persons inside the almshouses as were receiving relief outside; and in Massachusetts the proportion was fully as great; so that the relative abuse or necessity for out-door relief must have been six or seven times as great in England, last summer, as in New York or Massachusetts; and the same can be said of Pennsylvania, for which the statistics of pauper relief have been carefully collected by the State Board of Charities, as is the case in New York and Massachusetts.

### STATISTICS OF PAUPERISM.

It must also be said, in regard to the American recipients of out-door relief, that it would be unfair to reckon them as permanent paupers. They are self-supporting the greater portion of the year, and are only dependent on the authorities for a very small portion of their subsistence. It is in estimating these persons as paupers, and in counting them two or three times over, that such fearful statistics of pauperism have been deduced from the records of American cities. Could the actual figures of the number and cost of relief administered by public authorities in these cities be correctly given, they would show the incorrectness of one high authority on this subject, Prof. Henry Fawcett,

who, in his volume on pauperism, states the cases of out-door relief in Philadelphia (p. 56), of 110,000 in 1869, or about double the number (57,821) really relieved both in that city and the whole State of Pennsylvania; of whom probably less than 15,000 were receiving relief on any given day.

The statement of Professor Fawcett includes many persons reckoned twice, thrice, or perhaps ten times during the year when the relief was furnished in Philadelphia, and, if correct, would show that nearly every sixth person in that city was a pauper in 1869. According to Professor Fawcett, one person in twenty in England, one in twenty-three in Scotland, and only one in seventy-four in Ireland is a pauper. Using the same basis of computation, we should perhaps find one person in one hundred was a pauper in New York, Pennsylvania and Massachusetts, the three States in which pauperism in America is most common. A few years ago the Pennsylvania authorities put a series of questions in regard to out-door relief to the officials in the different counties. The first is: "Does the giving of out-door relief prove to be permanent or only temporary?" The answers were thirteen for "temporary," nine for "permanent," and ten "permanent to a great extent." Another question: "Does it encourage pauperism by encouraging persons to apply for public aid who would supply themselves if they were to receive support only in almshouses?" The answers were, twenty, "It tends to increase pauperism," and eight, "It does not." Similar questions in Massachusetts show a different ratio of answers.

American statistics of pauperism, though seldom perfectly trustworthy, show approximately a condition of things in this regard, in our most populous communities, less alarming than had been supposed. Compared with England, our pauper position is favorable; yet it cannot be denied that pauperism advances in New York City, and probably elsewhere, with rapid pace.[1] In Massachusetts, as a whole, it is not advancing, but rather, in comparison with the increase in population, it is diminishing. In Pennsylvania, the statistics are as yet too recent to show whether it is advancing or diminishing; but in all our large cities the tendency is for pauperism to increase. Some of the encouragements

[1] The New York *Times* of May 23d said, in remarking on this report, "England and Wales have, in a population of 22,000,000, a permanent army of 1,000,000 persons, more or less dependent on public charity; that is, one person in every twenty-two is, to some extent, tainted with pauperism. We have not come to that pass yet, but we are advancing very rapidly toward it. The Social Science report puts down the average pauperism of this State at one per one hundred of the population. New York is, of course, greatly above this average, and during last winter the ratio of its pauperism to its population was exceptionally high. It is probably within the mark to assume that from January to April there was an average of one person in every fifty in receipt of charitable relief in this city. Let the times be good or bad, a repetition of such methods as were employed last winter may be depended on to produce similar results."

to this evil we have stated in this report while speaking of the recent experience of New York City. The true and best preventions of pauperism are a thorough and discriminating supervision of all charities, public and private; the most careful attention to the education and employment of the poor and their children; the placing of pauper children in good families, at a distance, if possible, from degrading associations; a rigid and exact system of in-door relief, accompanied with labor; the reduction of out-door relief in cities, and the encouragement of emigration to rural districts from the crowded centres of poverty and crime, which most of our largest cities now have become. The position of New York in this respect is exceptional, because it yearly receives a quarter of a million immigrants from foreign countries, and this exposes it to peculiar evils and dangers. While this should be borne in mind, it should not be made an apology for neglect nor an occasion for abuses, but should lead to increased vigilance and activity on the part of its magistrates and citizens.

(Signed) W. B. Rogers, *Chairman;* Dr. S. G. Howe, Charles L. Brace, Mrs. S. Parkman, Mrs. Henry Whitman, John Ayres Lucy Ellis, George S. Hale, Charles F. Coffin, Robert T. Davis, F. B. Sanborn, *Secretary.*

### THE DISCUSSION.

Rev. Dr. John Hall, of New York, who had been invited to speak upon this subject, opened the debate as follows: —

"I have listened to the paper with extreme satisfaction. I don't believe there is a single sentiment in it which I cannot heartily indorse. There could not well be a more just and accurate representation of the state of things in this city at the beginning of last winter after the panic. There cannot be anywhere a more generous community than this city furnishes. When it was seen that the panic had insured wide-spread distress there was an immediate rush to increase and enlarge the machinery of benevolence. Announcements were made ostentatiously by private citizens, by ward politicians, that the poor would be cared for at any cost, and the result was a rush from this and the adjoining States, making the condition of the city, during the winter, exceptional. I think there has always been a rush of field laborers to New York for the benefit of its institutions during the winter. This I am assured by people who live upon the high roads near the city, that they always recognize, at certain periods of the year, the "tramps" coming toward the city, and at the proper season returning. They could not be said to beg their way, but they presented themselves at farm-houses and demanded food, and it was given to them because the farmers thought it the safest thing to do. This fact is indicative of the growth of a dangerous class, a class alleging impossibility to procure employment and sustenance, and founding a sort of demand as a right for support. It seems to me that there is no sort of excuse in a

country like this, with its immense natural resources, and its demand everywhere for labor, for the existence of such a class. In no department of human life is the statement more true than in the department of benevolence, that 'The people are destroyed for lack of knowledge.' They will not take the trouble to think; they give way to sudden impulse and resent any interference. If the paper to which we have just listened had been read in December, in New York, it would have been met with a howl of indignation, and drowned by the voices of some of the best people in the city. Those principles were once stated to a large body of representative business men of this city, which, immediately after the statement, took action in direct contradiction of them. The principles that are stated in that paper were announced again and again in the beginning of the winter. I think the tendency all over the land is in the direction of weakening, rather than strengthening, the family ties. I think there is danger just now of making it too easy for unprincipled parents to relieve themselves of their children; too easy for careless people in the lower strata of society to shake themselves free of those whom, by the arrangements of the Creator, they are invested with the name of parent. For instance, a wife dies and the man tries to get rid of his children by abandonment, and *vice versa*. Economy was not thought of beforehand. A man who would annually think that he was likely to die at any time, and who would, for that reason, annually put something in the savings bank for his wife and children, would be the better for the thought. The ordinary and natural motive to thrift and economy and wise providence is gradually destroyed, and in the name of benevolence; and the man who should be saving and a stronger and better man for his self-denial, has the motive taken away. As the ordinary charitable institutions are constituted, there is a little competition for business which works mischief. A secretary wants to have a large showing of results. I think, after a careful examination, that some sections of this city are being rapidly demoralized and degraded by competition among churches and societies, and, moreover, incredible as it may seem, this demoralization is done, not at the expense of private individuals, but at the expense of the public through funds regularly voted by legislative bodies. I know of no direction in which this Association can better expend its strength than in trying to carry a little intelligence on this subject to those who vote away the public moneys, $5,000 at a time, under the predatory system, generally called politics, among us."

Mr. J. W. Skinner, of the Children's Aid Society, New York, next spoke, dwelling chiefly upon out-door relief. Pauperism was like an ulcer which gradually undermined the health of the body politic. Wherever out-door relief had been put in practice, pauperism, so far from being checked, had invariably continued to increase faster than before. The only systematic and well-working charity was that which was accompanied by work. But it was the prevention, not the cure, of the disease that was the primary consideration, and the speaker believed that the only possible way of checking pauperism was by educating the lower classes.

Dr. Nathan Bishop did not think compulsory education would be

successful. He spoke of what he called the street schools, — academies where children learned to repeat a fearful catalogue of home suffering. There were thousands of children in this city who went from door to door repeating the sorrows of their home, the suffering, the poverty of their parents. They went to the kitchen-doors, and the servants believed their stories. These children were taught daily lessons of this kind of story-telling by men and women who profited by their gains, and the result was, that at least 6,000 children were every day going about in this way, becoming chronic liars, and getting schooled in crime and vice of all kinds. When they grew up, what were they going to do? They dropped into the worst forms of degradation. They made up the worst of our dangerous classes in the end. Then there were the children who beg in the street. He illustrated the evil of this street-begging by telling how, one winter's day, he had met two little girls, bare-legged and ragged, begging. He noticed several gentlemen give them money, and he asked them several questions, and finally told a policeman that he thought they were impostors, and that they had shoes and stockings hidden in the neighborhood. This, on investigation, was found to be true, and their shoes and stockings and shawls were discovered under a near-by woodpile. This kind of deception, he said, was very prevalent in the city. It was a kind that did more than anything else to swell the current of vice and crime and pauperism in the city. His advice was not to give anything to the street-beggars, or to to those who called at the doors of dwellings. Let those in want go to the regular places of charity. Then, again, never listen to those who meet you in rags at night time, or call at your doors, complaining and whimpering and asking for aid. In 999 cases out of 1,000 they were frauds who followed this way to make a living, and who, in the day-time, went about well dressed.

Dr. Hall was asked to give the result of the attempt made last winter to establish in New York a bureau of charities, and did so briefly, saying that the principal obstacles to the success of the bureau were the unwillingness of one large society to assist it, owing to a misunderstanding of its objects, and the opposition of a large religious denomination. It was to ferret out impostors and to make charity reach only those who were in real need, that the Bureau of Charities was established, — a sort of clearing house of charities. The great majority of the charitable institutions responded to the plans of the bureau; but there were a few which refused to coöperate. No one could have walked the streets during the past winter without being struck with what is very humiliating, — the observation that this city is rapidly travelling in the track of the worst capitals of Europe, in the direction of abundant street paupers. Many of them are of the fancy kind, made

up for effect, purely spectacular, intended to operate upon the generous sympathies of the people at the moment. Others are quasi beggars, — among them the street musicians. When I think of the many poor boys and girls who are being trained in that way in this city, educated in the worst direction, I must anticipate a crop of the most adroit thieves and the most abandoned women within the next few years. I find that one society, admirable in its principles and organization, whose operations extend over the whole of the city, states in its printed report that there were 20,000 persons, impostors, in this city living by the misdirected charity of the city. We have the Commissioners of Charities and Correction to look after paupers and criminals, — a most unfortunate grouping, — who expend $1,250,000 per year. We have the Commissioners of Emigration to attend, with certain restrictions, to those who come to our shores, who expend over $600,000 per year. There is more than $1,750,000 per year. But take the 20,000 who are living by fraud and imposture. These people live very comfortably. It is very low to put their living at a dollar per day. That makes over $7,000,000 a year going into the hands of the most degraded and corrupting class in the community. What is our reward? These clever cunning, degraded people, despise and laugh at us, and think that our very Christianity is something that only gets hold of people who are a little soft in the brain. Men have very much to unlearn, and then much to learn, before they will get courage to persevere; and then, though they may not accomplish all they desire, they bequeath a trust to their fellow-creatures for them to carry out.

Mrs. Caroline H. Dall, of Boston, moved that the paper be printed as a pamphlet in an edition so large and a form so cheap as to permit of its being widely circulated gratuitiously. In speaking for Boston, she fully indorsed all that had been set forth as resulting from the ill-organized method of distributing alms, and cited instances as coming within her own experience immediately after the Boston fire, and during the late distress among the poor.

Dr. Davis said that inasmuch as so much commendation was bestowed upon this paper, he felt it his duty to state that he had not prepared the paper himself, and that it had been simply revised by the committee of which he was a member.

Mr. Robert H. McCurdy spoke of the progress of pauperism in this city since he was a young man. In 1833, he lived on Fifth Avenue, near Tenth Street, and in the neighborhood was an immense number of shanties. Great poverty existed among the inmates, and it was traced to the same cause which is now really the cause of pauperism — the rum shops. Everybody in those days drank freely, and in all the social customs of the day liquor was never wanting. Rum was really at the

bottom of all our poverty, and when we swept away the rum shops we would have undermined the pauperism and made a clear and bright way for a better future for that class of people who are now suffering from want and misery.

Mr. James M. Barnard, of Boston, also spoke, relating some of his European observations on pauperism in Italy and Germany at different periods.

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## REPORTS OF COMMITTEES.

During the first session of the Conference a committee was appointed, consisting of F. B. Sanborn, of Massachusetts, W. P. Letchworth, of New York, and Henry H. Giles, of Wisconsin, to report a plan for the Uniformity of Statistics, and a better coöperation among the Board of Charities throughout the United States. At the second session, on Friday, May 22, this committee made a preliminary report, to the effect that it was desirable to have the statistics of pauperism, crime, insanity, and the other topics discussed in the board's reports, made as completely as possible upon a uniform plan, and include a general statement of all the facts for the whole State in which the report is published, and asked further time to prepare a form for use by the different boards. It was also reported that a plan for better coöperation between boards could not be prepared without some correspondence with all the boards, and further time was asked for, which was granted. It was stated that a conference in the spring of 1875, at Buffalo or Detroit, had been proposed, and would probably be called. Dr. Bishop, for the Committee on Public Buildings for the Poor, the Insane, etc., made a preliminary report setting forth the present evils of extravagant architecture, and asking time for the preparation of a more complete report, which was voted. It was also voted that the Chair appoint a committee of five to consider the condition of destitute and delinquent children, and the prevention of pauperism.

In the debate on Dr. Bishop's report, the latter spoke of the unsatisfactory condition and unsuitableness of the buildings now used for the detention and cure of insane persons, and of the amount of money expended on them.

Mr. Sanborn spoke of the plan in Massachusetts to build a new state prison at a cost of $2,000,000 when it was quite useless to expend so much money upon that object. Dr. Bishop spoke of the bad influence of giving the rascals and rogues who were preying upon society better accommodations than honest men. Dr. Stephen Smith said one essential point was, that each building, hospital, prison, or reformatory,

should be built with a regard to the peculiar wants of the class for which it was designed. Many of those in New York had failed, particularly the inebriate asylum, for the reason that they were too much like prisons. Mr. Letchworth, of Buffalo, defended the expenditure of the public money on public institutions.

On motion of Dr. Elisha Harris, it was voted that the Committee on Public Buildings and Structures be empowered to add members thereto, and to fill vacancies.

The Conference then adjourned.

### THE STATISTICS OF CRIME AND PAUPERISM.

The Committee appointed at the Conference of Boards of Charities to consider a plan for Uniformity of Statistical Reports, have met since the Conference and considered a form of Questions and some suggestions relating thereto, prepared by Dr. Harris, of New York, and submitted to the Committee by Mr. Letchworth, of the New York Board of Charities. Although it is doubtful how far these questions can be generally used in all the States, the Committee print them here, for the public information, along with the concise and clear summary of the subject by Dr. Harris.

### THE PROPOSED FORM OF QUESTIONS.

*Registered No. of the Individual.*

1. Age and birthplace.
2. Existing cause of dependence (if a disease, give its name and how long existing).
3. Which of the five special senses is lost or badly impaired? (From what cause?)
4. What other natural faculty or bodily power is lost?
5. Capable or incapable of self-supporting labor?
6. What trade or kind of employment?
7. What kind of mental or moral perversion, or what morbid and debasing conditions of mind?
8. (To what causes are these mental and moral states attributed?)
9. Is there proof of insanity, inebriety, epilepsy, paralysis, special feebleness of mind and body, or any other entailment of bodily misfortune from parentage in this person's history? (Illegitimacy, syphilis, and crime should be noted, if in any way concerned as causes in this case.)

*Special Causes.*

10. Old age and destitution.
11. Permanent disabling disease. (Write the name of it.)
12. Temporary disabling disease or sickness.

13. *A.*[1] Homeless childhood. (Illegitimate or abandoned.)
    *B.* Homeless childhood. (By death of mother.)
    *C.* Homelessness, by abandonment of father or husband.
    *D.* Ignorance of letters and common knowledge.
    *E.* Had the mother similar misfortune?
    *F.* Had the father similar misfortune?
    *G.* Had the grandparents similar misfortune?
    What other branches of the family are known to have had the like misfortune?
14. Is there a near consanguinity in the parents? (Write what kind.)
15. What trade, or kind of employment, did this person ever learn?
16. (Why was it abandoned?)
17. Had this person (or his or her parents) habits of idleness?
    Had they habits of thrift and saving; or not?
    Were they paupers?
    (Father, *F.* Mother, *M.* Grandfather, *Gf.* Grandmother, *Gm.* Brothers, *B.* Sisters, *S.* Uncles, *U.* Aunts, *A.*)
18. At what points in the family history, or hereditary line of this case, did dependence upon public or private charity commence?
19. (What was the first mode of public dependence?)
20. At what point did neglect of social and moral duties commence?
21. What vocations have the unfortunate and dependent branches of this family pursued?
22. Could father (and mother) read and write?
23. Were they openly immoral, sensual, and debased?
24. Has this person (or his or her parents) lived in ignorance of the laws and obligations of society?
25. Has this person (or his or her parents) lived in ignorance of the laws and obligations of religion?
26. What number of persons in his or her mother's family are now known to be dependent on public charity?
27. What number in grandparent's family have suffered like misfortune?
28. Total number of such unfortunates in the three generations, living and dead?
    Total number in the same group of families, who are not suffering these misfortunes?
29. Total in do. insane (living and dead) of the three generations.
30. Total idiotic or weak-minded in three generations (living and dead).
31. Total inebriates in three generations (living and dead).
32. Total who have been in penitentiaries or State prisons in three generations (living and dead).
33. If a parent, how many children now living?
34. What is their condition, — are they in almshouse, asylums, hospitals, refuges, etc., etc.? (Write the fact.)
35. Is this person capable of self-support without the direction and control of superior authority, or constant advice and supervision?

[1] Use these letters to indicate the misfortunes to which they respectively refer.

36. Does this person, or his or her parents (guardian) express a willingness to submit to the needed direction and supervisory care?
37. What is the chief cause and evil, now within reach of remedies?
38. What appears to be the destiny of this person as a dependent, as respects recovery from the causes of dependency?
39. What relatives have ability and are liable for the support of this person?
40. Why not so supported?
41. In what other institutions was this person a dependent?
42. How many years (months) has this person been publicly dependent?

EXPLANATIONS OF THE QUESTIONS.

(*Extracts from the Correspondence of* ELISHA HARRIS, M. D., *Cor. Sec'y of the Prison Association, with the Board of Charities of the State of New York.*)

NEW YORK, *May* 30, 1874.

"As the Executive Committee of the Prison Association, on Thursday evening last approved and ordered the circular and a schedule of inquiries for use of all Prison Committees, I have so framed the whole as to make the points we seek, in this field to correspond, and to be pressed forward with inquiries to be made by the State Boards of Charities, as I hope their schedules of points will provide. It will be apparent to that no statistics which have been gathered in your Reports of 1872, or 1873, will be of any use to guide the needed inquiry into causes and increase of pauperism, etc. The question is, what is the pathway by which each person arrived at the state of misfortune and dependence?

"As in our inquiries (for the Prison Association) into sources of crime, we must go back to the home and the two preceding generations of parentage, so in the record of misfortune and dependence, the physical, mental, moral and social defects are linked with nearly all personal histories found closing up the series of woes at the doors of the Almshouse and the Asylum. The educational and early disciplining and industrial record of every inmate whose history is accessible in the Almshouses and the Asylums and Refuges, will need to be obtained, and upon that basis of twenty thousand individual records, in sixty counties in which an expert physician or educator has given attention to every record, conclusions can be reached which will command the attention and study of the world. It will be too great a task for any one mind to frame and inspire those inquiries; but what is worth doing at all in this field is worth doing well."

*June 5th*, 1874.

"It has given me some pleasure to arrange the outlines of a system for an inquiry into the causes that produce increase of pauperism, insanity, idiocy and crime. The final draft of a *method*, and the requisite questions and forms, have been completed in a shape that would enable all thoughtful citizens to see that certain investigations are practicable, though no State in America has ever attempted such inquiry in a thorough manner. Our new Schedule of Inquiry into Causes of Crime, is in harmony with the outlines I have sketched for inquiry into the Causes of Dependence, for the consideration of your Board."

I. *Propositions for the consideration of the Board of Charities and others, who desire the Improvement of the Laws and Means for the Care of Dependents:* —

1st. To secure in each county a local and expert committee of 3 or 4 persons to serve gratuitously in aiding the State Board of Charities, to obtain and perfect the first schedule of records which shall be gathered during the present year. The members of such committees to be persons already familiar with the history of social misfortune and want in their respective localities.

2d. That the supervision of the duty and methods of obtaining the first schedules of these records, be assigned to the Secretary or a Select Committee of the Board of Charities, as that Board may provide.

*Finally.* That all such records shall be summarized during the month of December.

To aid in *starting* such inquiries, the following outline of suggestions and available methods of record for the first schedule, to be filled out on or before Dec. 1st, 1875: —

*Necessity for exact information as a basis for definite and suitable plans of improvement of the laws and methods to provide for the pauper and other dependent classes:* —

The necessity of acquiring such information, and bringing it under a practical kind of analysis, is such, that the first summary of the records to be so studied will need to be prepared before the legislature proceeds to prepare amendments and new drafts of laws. Secondly, the first series of inquiries may be so framed as to serve as a basis for a permanent method and system of record of the dependents, of every class, as they are added to the public lists. Such information as this preliminary inquiry calls for would give wise direction to further efforts to prevent the causes of dependence.

II. *Dependent Classes that Receive Public Care and Support, are Rendered Dependent by* —

MISFORTUNE, { Physical, Mental, or Social;

OR BY —
VICES AND ERRORS OR WRONGS; { in daily life and personal relations, or of habit, temperament, or of neglect of moral and social obligations.

*The information which is required concerning these classes extends to present conditions, and the chief causes concerned in perpetuating the burden or duty of the care and support of these persons.*

{ Every record should show kind and degree of *Disability;* the bodily and mental states connected therewith; the *ability* to be restored or elevated to a self-supporting condition; and a statement of the means required, or remedy wanted. The personal and hereditary causes which admit of statement should be mentioned.

III. *Misfortunes that Induce Pauperism.*

1. Injuries and diseases of the body, or the loss of any one of the special senses. Inherited or acquired feebleness of bodily or mental organization.

2. Mental or moral perversion, whether exhibited in voluntary pauperism, morbid or debased states of mind, or in actual insanity, — which is a disease, — or in the enfeeblement and perversion of mind which follows upon epilepsy, paralysis, and other diseases.

3. Insanity, Dementia, and Idiocy being dependent essentially upon bodily causes, that tend to self-entailment, are great misfortunes; and as they increase the like evils in successive generations, the perfect supervisory care of them is most necessary, and all that medical and moral means can do for their benefit should be done promptly, and at public cost when family wealth is not available.

4. The social misfortunes relate to whatever impairs or vitiates home life and the family and domestic ties. The rupturing of families, the early orphanage of children, especially the loss of a mother's care, immoral license of illicit relations, bastardy, and the social condition of illegitimacy, criminal dishonor or imprisonment of parents or of children and youth, truancy and vagrancy in childhood.

5. Neglect of education and any failure in mental development; failure to learn a useful occupation, and to acquire habits of industry and accountability are all linked with the other social, mental, and moral causes of pauperism and dependence.

6. Bad dwellings for the poor and ignorant classes, and the domestic and local causes and circumstances of unhealthful dwellings conduce to pauperism and the causes of public dependence. Hence the neglect of the ignorant poor by the well-to-do classes, and the failure to improve their domestic and social state, conduce to pauperism.

7. Neglect to provide skillful and timely medical and sanitary care for the needy and ignorant, is a prolific cause of conditions which induce pauperism and all kinds of dependence on public support.

8. The neglect of moral and religious instruction and training, the neglect to correct criminal offenses and misdemeanors; and any flagrant neglect in the proper enforcement of just laws, enter into the social causes of increase and perpetuation of pauperism and other sources of burden by dependent classes.

IV. *Vices and Wrongs which Induce* PAUPERISM *and the Increase of the Public Burden Caused by* DEPENDENT CLASSES.

(*A.*) Intemperance of the individual and of parentage in successive generations.

(*B.*) Idleness and the neglect of habits of saving and self-support.

(*C.*) Sensuality, debauchery, self-indulgence in any way, and a disregard of law and moral obligations.

(*D.*) The parental abandonment of children, — foundlingism, — the neglect to rescue and save young mothers of illegitimate offspring, and a like neglect or failure to save other youth who lapse from virtue, is a wrong that causes pauperism and crime.

(*E.*) Permitting the lines of hereditary pauperism, imbecility, insanity, crime, intemperance, and ignorance, to continue in successive generations, without interrupting them by the proper and available remedies and preventive means; these are *wrongs* as well as *vices* of society and individuals.

(*F.*) Want of timely advice and friendly direction, unsteadiness of plan and occupation in life, neglect to learn some useful trade or other employment, abandonment of home, vagrancy in any form, idleness and any needless dependence, revelry, sensual indulgence or licentiousness in any form and misdemeanors, disorderly conduct and crimes of any kind, strongly tend to produce destructive or disabling diseases of body and mind. These are active causes of decrepitude, social dishonor, insanity, idiocy and pauperism, not only in the persons offending and in their families, but in *successive generations.* The preventable causes of pauperism cannot be adequately understood or repressed without applying remedies to these evils which are chief sources.

### V. *Points to be Noted.*

The recorder will please to carefully take notice of the following points, respecting the different classes of persons who are dependent: —

*The Pauper* should have the question of actual misfortune and disability distinctly answered, respecting the positive causes of such disability; so of the questions concerning idleness, sensuality, vagrancy, or spiritless social and personal degradation.

*The abandoned or other homeless child* should have the social and personal responsibility for such abandonment or homelessness stated with precise accuracy; also its age when abandoned, and when it became homeless.

*The Inebriate* should have his (or her) family and personal history carefully indicated in the record.

*The Imbecile* should have the questions of consanguinity of parents, of inebriety of either one, their pauperism and condition, and the degree of idiocy of the person or persons in question stated.

*The Epileptic or the Paralytic* need to have the kind and beginning of known causes of their misfortune stated.

*The Insane* should have the immediately active, and the remote and determining (physical or moral) causes and obviously connected circumstances carefully stated. The family or hereditary causes should be accurately given.

*The Offender and the Criminal* may be examined in accordance with this schedule, or in accordance with that of the Prison Association, with the same results.

*At the conclusion* of each personal record in this schedule, there should follow whatever remarks and further history the case may require, with reference to causes, relations, and remedies.

The following list of *circumstances* comprises the most frequent *events and variously combined causes* that are concerned in producing the condition of *Dependence* upon *Public Support:* —

| | |
|---|---|
| BODILY DISEASE OR INJURIES. | 1. Entailed by parents.<br>2. Acquired by intemperate and sensual habits.<br>3. Syphilis and impaired vitality.<br>4. By unhealthful dwelling places, or by continued sickness.<br>5. Ignorance and neglect of health, and the want of skilled medical care.<br>6. Wounds and bodily injuries.<br>7. The decrepitude produced by honorable hardships of war, of seafaring, and by particular calamities, particularly the loss of a special sense or faculty. |
| WRONGS. . . . . | 8. Birth or youthful training in almshouse.<br>9. Youthful vagrancy.<br>10. Debased course of life, (mentioning what kind of debauchery.)<br>11. Illegitimate paternity.<br>12. Abuse or cruelty of parents or other persons.<br>13. Indolence.<br>14. Voluntary vagrancy, or any crime. |
| WANT OF EDUCATION, OR OF MENTAL AND MORAL CAPABILITY. | 15. No education.<br>16. Want of knowledge and training in common duties.<br>17. Want of training in a trade or employment.<br>18. Ignorance of laws and moral duties.<br>19. Victims of bad associates or leaders.<br>20. Feeble minded.<br>21. Irreligion and recklessness.<br>22. Mental incapacity from insanity in any form. |

The foregoing points indicate the kind of information required concerning all individuals of the Dependent Classes in Almshouses, Insane Asylums, and all institutions for idiots, orphans, foundlings, and other homeless children, and in the hospitals and other charities supported by public taxation.

From this point the schedule of questions may begin. Every dependent upon public support should (by name or number) be brought into this general record.

The separate classes of dependents may be reported upon in a special way, and upon *comparable points*, as suggested in the 4th, 5th, 6th, 7th, and 8th

points. The points 1 to 8 are for suggestions to insure systematic and thorough work by persons who make the records.

In transmitting the above papers to the Secretary of this Association Mr. Letchworth, of the New York Board of Charities, wrote as follows, on the 24th of June : —

Dr. Elisha Harris, Secretary of the Prison Association of New York, has been engaged in preparing a set of inquiries into the causes of crime. His questions have been approved, I believe, by the Executive Committee of the Prison Association, and will before long be issued to their committees. The State Board of Charities of New York have decided to make an examination into the causes of pauperism in this State, basing their work upon the fifteen thousand inmates in the various poorhouses and almshouses in the State. The inquiry will go back to parents and grandparents of each subject. This will be a laborious work, involving the directing of not less than six hundred thousand separate questions. The Legislature have made an appropriation to aid in carrying this work out. As it was considered desirable that whatever tables should be made, should be comparative with the work carried on by the Prison Association, Dr. Harris was asked to outline a plan for our work, and it is now being printed in such a form as to admit of revision and for the purpose of submitting it to others interested; a copy or copies of it will be sent you in a few days. My object now is to call your attention to what I deem the great importance of your taking immediate action as the Chairman of the Committee appointed by the various State Boards at the last convention of the American Social Science Association, to bring about harmony in the work of gathering statistics by the various State Boards. The work done in this State will probably not be gone over again for many years, and it seems to me of the greatest importance, that it should be comparative with whatever may be done hereafter in other States; and while steps are being taken to harmonize action in the work upon pauperism and crime, with due energy, it seems to me *all* the work to be done this year might be harmonized and made comparative. It has seemed to me that the only way to bring this desirable result about would be for you to correspond with and call together the Secretaries of the various State Boards, and after you had agreed upon a plan among yourselves, to submit it to the various Boards for approval, and have what is done this year done in a way it should be, instead of waiting for another year, when there will not be the incentive to unity that there now is, in view of the great work to be undertaken this year in the State of New York. Some of my colleagues incline to the opinion that uniformity of action can be brought about only with reference to the work relating to the *causes* of pauperism, insanity and crime; but I am strongly of the belief, that by prompt and decisive action all the work of the various Boards for this year may be brought into harmony. If it should be found that the plan for uniform action is not perfect, improve it next year. This will be better, I think, than to expect to make a perfect plan now. It is probable that after the Boards get working all together, modifications will need to be made in their plans every year. I sincerely hope you will deem this subject worthy of your earnest and prompt consideration,

In transmitting this letter to the Secretaries of the State Boards, the General Secretary wrote thus to each: —

I have copied this letter in order that your Board may understand the general nature of the New York investigations, before the forms and questions themselves come to hand. Meantime, permit me to ask you a few questions.

1. To what extent can the statistics of *your State* in regard to pauperism, insanity, and crime be made *complete*, so as to show what is the actual amount of those evils in your State?

2. To what extent can they be made uniform with those of Massachusetts, as given in the Reports of the Board of Charities in that State, or with a fuller and better method, if such is known to you?

3. To what extent can this be done in your next report?

The replies to this communication, and the general subject of Dr. Harris's forms, and the feasibility of adopting them, came before a meeting of the Committee held at Buffalo, on the 18th of July, and a report embodying the conclusions of the Committee will probably appear in the next number of the Journal, along with a preliminary report from the Committee of which Dr. Bishop is Chairman.

## NEW STATUTES OF PENNSYLVANIA RELATING TO INSANITY.

(*Referred to in the Conference of Boards of Public Charities, p.* 63.)

These Pennsylvania statutes were passed during April and May, 1874, and are three in number; the first, giving the Pennsylvania Board of Public Charities power to appoint delegated visitors and make transfers of the lunatic poor to hospitals; the second, appointing a commission composed of three members of that board and of three medical superintendents of the insane, to examine and report on the condition of the criminal insane; and the third, providing for the better care and treatment of the criminal insane. They are here printed for general information, and particularly for members of Legislatures and Boards of Charities who may have such questions coming before them.

1. *A Supplement to the Act to create a Board of Public Charities (approved the twenty-fourth day of April, A. D.* 1869), *authorizing and empowering said board to appoint visitors, and to transfer certain insane persons from county institutions to State hospitals.*

Section 1. Be it enacted, etc., That the said board shall have power, by a resolution to be entered on its minutes, subject to such terms and regulations as it may prescribe, to designate three or more persons in any county, to act without compensation, as visitors, in said county, of the several poor-houses and other institutions therein, subject to the visitation of the board, in aid of and as representatives of such board; and all public officers and others in charge of such institutions shall admit to said institutions all such persons so designated, upon the production of a copy of such resolution, cer-

tified by the president or secretary of said board, to visit, examine, and inspect the grounds and buildings of every such institution, and every part thereof, and all its hospital and other arrangements, and to have free access to all its inmates. Any public officer, superintendent, or person in charge of any such institution, who shall refuse to admit any person so designated, or shall refuse to give said visitors all requisite facilities for the examination and inspection herein provided for, shall be subject to a penalty of two hundred and fifty dollars for each such refusal, which penalty may be sued and recovered in the name of the people of the State by the district attorney of the county in which such institution is situated, and the sum so recovered shall be paid into the treasury of the State.

SECTION 2. Whenever the Board of Public Charities shall be satisfied, or have good reason to believe, that any insane person in any county or district almshouse, or in the care of any person under the direction of the poor directors of any district, cannot there receive proper care and treatment, or is probably curable, said board or their representatives in the proper county, shall make application to the president judge of the proper county, in term time or at chambers, setting forth that such insane person cannot receive proper care and treatment, or is probably curable, and said judge shall, if the statements alleged are sustained by affidavit of petitioners, or other evidence to the satisfaction of the court, make decree that the officers in charge of such persons transfer him or her to one of the hospitals for the insane receiving aid from the State, where such person shall be received and maintained in the manner provided by law, at the expense of the district from which such person is transferred. Such expenses to be recovered by such district from such persons as may be liable by existing laws for the support of such insane person.

2. *Joint Resolution providing for a Commission to inquire into the Condition of the Criminal Insane of this Commonwealth and make Report to the Legislature.*

Be it resolved, etc. That George L. Harrison, Thomas S. Kirkbride, Joseph A. Reed, John Curwen, G. Dawson Coleman, and Heister Clymer be, and the same are hereby, appointed a commission to inquire into the condition of the criminal insane of this Commonwealth, and to report to the next Legislature what legislation is necessary to make proper provision for the insane; and should said commission report in favor of a separate institution for the care of the criminal insane, it shall be their duty to report a proper location and the probable cost of such an institution. Said commissioners shall be paid their actual expenses, while in the performance of the duties hereby imposed upon them, which shall be paid by the State Treasurer on the certificate of the chairman of said commission, out of any money in the treasury not otherwise appropriated.

3. *An Act to provide for the Custody of Insane Persons charged with or convicted of Crime.*

SECTION 1. Be it enacted, etc. That whenever any person is imprisoned within the Commonwealth, charged with or convicted of any crime whatsoever, application in writing may be made by the warden, superintendent,

physician, or any inspector of the penitentiary or prison in which such person is imprisoned, or by the general agent of the Board of Public Charities, to the court hereinafter named, or any law judge thereof; which application shall certify, under oath or affirmation, that such prisoner is believed to be insane, and shall request that such prisoner shall be removed to a hospital for the insane; whereupon it shall be lawful for any judge, learned in the law, of any court within this Commonwealth, having immediate cognizance of the crime with which such prisoner is charged, or of the court by which such prisoner has been convicted, to appoint a commission of three citizens of this Commonwealth, of whom one shall be of the profession of medicine, and one of the profession of law, whose duty it shall be to inquire into and report upon the mental condition of such prisoner ; and if, in a report signed by a majority or all of the members of such commission, it shall appear that the prisoner inquired of is of unsound mind, and unfit for penal discipline, it shall be lawful for the judge issuing such commission, or for any other judge of the same court, learned in the law, to make an order under the seal of such court, directing the removal of such prisoner from the place of his or her imprisonment, and that he or she shall be received, maintained, and cared for by the hospital for the insane nearest to such place of imprisonment, and which shall or may receive aid or support from the treasury of the State; and that such patient shall be detained in such hospital until an order, as hereinafter provided, shall be granted by the said court, or any judge thereof, learned in the law, for the return of such prisoner to the penitentiary or prison from which he or she was removed, or for his or her discharge from such hospital.

Section 2. That in all cases where any person who may have committed any criminal act, and is dangerous to the community, shall be found to be insane in the manner provided by law, and in all cases mentioned in the sixty-sixth, sixty-seventh, and sixty-eighth sections of the act of thirty-first of March, 1860, relative to criminal procedure, it shall be lawful for any court having cognizance of the crime or offense with which such person is charged, to commit to either of the hospitals for the insane mentioned in the preceding section of this act, any such insane person, for so long time as such person shall continue to be of unsound mind.

Section 3. That whenever the superintendent, or other proper medical authority of any hospital for the insane, to which any patient shall have been sent under the provisions of this act, shall in writing certify to the judge or court, by whom the order for removal and detention has been made, that such patient has been so far restored to mental sanity as no longer to need the remedial or custodial care of such hospital, it shall be lawful for the said judge or court, if the term of imprisonment for which such prisoner was sentenced has not expired, to remand such prisoner to the place of imprisonment from which he or she was brought to such hospital, to serve out the unexpired term of sentence; or if such prisoner became unsound in mind after the alleged crime, and before conviction, to remand such prisoner for trial; but if the term for which such prisoner was sentenced shall have expired, or if the crime wherewith such prisoner is charged shall have been committed during his or her probable insanity, and in all cases provided for in the

second section of this act, it shall be lawful for the said judge or court to order the discharge of such patient from the said hospital.

SECTION 4. That whenever the term of sentence of any prisoner, sent to a hospital for the insane under the provisions of this act, shall expire while such prisoner remains uncured and a patient of said hospital, it shall be lawful for the judge or court, by whom the order of removal and detention has been made, upon the due application of relatives or friends of such patient, and upon proper surety being given for the custody and care of such patient, to make an order for the discharge of such patient from the said hospital, and his or her delivery to the guardianship and control of the person or persons applying therefor; and no person committed to a hospital, under any of the provisions of this act, shall be discharged therefrom otherwise than in the manner hereinbefore provided.

SECTION 5. That the expenses incurred for the removal of any insane person from a place of imprisonment to any hospital, or for their removal from such hospital in pursuance of the provisions of this act, and of his or her detention, maintenance, and care in the said hospital, shall be chargeable to and paid by the commissioners of the county in which the alleged crime, with which he or she was charged, was committed; and the said commissioners shall have remedy over against the poor district liable under existing laws, or against the estate and effects of every such prisoner, for the reimbursement of such expenses to the said county.

SECTION 6. That all provisions of any act or acts of Assembly inconsistent with or supplied by the provisions of this act be and the same are hereby repealed.

# THE FARMERS' MOVEMENT IN THE WESTERN STATES.

By Willard C. Flagg, of Moro, Illinois, President of the Illinois State Farmers' Association.

Read Wednesday, May 20, 1874.

In attempting to comply with a request to furnish a paper on the "Farmers' Movement in the Western States," I find myself laboring under the double disadvantage of examining an incomplete social phenomenon with somewhat prejudiced eyes. As this disqualification, however, has not prevented critics of presumed culture and professed philosophy from indulging in the expression of adverse opinions of a very confident and positive character, I am glad of an opportunity in turn of placing before an Eastern audience of thoughtful men and women my own crude conceptions of a social controversy, which, whatever its origin and purpose, I believe is to result in another forward movement of the American people and a more complete realization of the principles underlying our Republican Democracy.

In all past ages the agricultural class, like, but more and longer than the other industrial classes, has by force, fraud, or cunning, been prevented from receiving a due share of the wealth it has created. To go no farther back than the age when vassalage began to give place to personal freedom, I take up the chronicles of Sir John Froissart and read his account of English seditions five hundred years ago, arising, as he reckons, "all through the great comfort of the commonalty." Yet in the same paragraph he tells us that it was "customary in England, as well as in several other countries, for the nobility to have great privileges over the commonalty, whom they kept in bondage: that is to say, they are bound by law and custom to plow the lands of gentlemen, to harvest the grain, to carry it home to the barn, to thresh and winnow it: they are also bound to harvest the hay and carry it home." Two hundred years later I find the half-century struggle of the Peasants' War at its inception in Germany. It was caused by oppressions, whose severity is implied in the twelve articles of the Swabian peasants' demands, and in the cruelties of oppressors and oppressed. Another hundred years and we find France, under the auspices of the magnificent Louis, preparing in the bad political economy of 1687 for the dread carnival of 1789. "One sees," says La Bruyère, "certain

wild animals, both male and female, scattered about the country, livid and roasted by the sun, bent over the soil which they scratch and dig up with invincible persistence; and when they stand upright they display a human face, for in truth they are men and women. At night they retire to their dens, where they feed on black bread, water, and roots. They spare other people the trouble of digging and sowing and reaping; they deserve not to be deprived of the bread they have produced."

So, allowing for differences in civilization, it has been in all ages. The robber baron, the mediæval merchant, the despotic tax-gatherer, reappear in merchant princes, "protected" manufacturers, "national" bankers and railway magnates. The "Westminster Review" (January, 1871) declares that the "United States is rapidly entering a new feudal age, in which industry pays its tribute to commerce, as in former times it did to the sword." The new time differs from the old in this respect, in "shifting the governing force from an aristocracy of class and caste to a plutocracy of money and commerce."[1] This is the natural and easily attained result in the Old World: it makes another irrepressible conflict in democracies.

But the common truth deducible from these five hundred years' experience is the same as that arrived at by the Massachusetts Labor Bureau concerning labor, when it states "that the great determiner of the earnings of labor, under the wage system, is, and always has been, *the cost of living*." There has existed somewhere the power to secure the profits of the products of agricultural as well as other labor, leaving a minimum in the hands of the tillers of the soil. Agriculture has thus necessarily been a system of spoliation. The landlord, the trader, and the transporter rob the agriculturist, the agriculturist robs the land, and arid and waste provinces remain to tell the story of bad husbandry necessitated by a worse political economy. Wealth accumulates with marvelous rapidity at the centres of trade and transportation, but slowly and painfully, if at all, in the rural districts. The farming regions of New England already show signs of depopulation and decay.[2] And yet in the great and often fierce discussion now pending of Labor and Capital — of Work and Wages — the men who do by far the largest part of the labor, and constitute half the population of our country, have hardly been thought of by our labor reformers or their opponents. The Hamlet that, in this nineteenth century tragedy of ours, plays the important part of chief producer, chief consumer, and chief taxpayer, seems actually to have been forgotten or reckoned of no practical importance in the contest until brought to the front by the

[1] *Atlantic Monthly*, May, 1871.

[2] Mass. Stat. of Labor, 1872 and 1873.

Farm Laborers' Union of England and the Farmers' Movement in our Western States.

Yet occasionally, at long intervals, sometimes blindly and viciously, the power of the agricultural class has made itself felt in our mediæval and modern social movements. The Jacquerie of France, mercilessly oppressed by the barons, rose in arms in Picardy, Champagne, and the Isle of France in 1358, and declaring, "That the nobles of France, knights, and squires were a disgrace to it, and that it would be a very meritorious act to destoy them all," proceeded to put their thought into deeds. In 1381, "the evil disposed," as Froissart calls them, of the men of Kent, Essex, Sussex, and Bedford, "began to rise, saying they were too severely oppressed; that at the beginning of the world there were no slaves, and no one ought to be treated as such, unless he had committed treason against his lord, as Lucifer had done against God; but they had done no such thing, for they were neither angels nor spirits, but men formed after the same likeness with their lords, who treated them as beasts. This they would not longer bear, but had determined to be free, and if they labored or did any other works for their lords they would be paid for it." You will recognize the unreasonable character of such demands as these.

Then to crown the absurdity, in Froissart's opinion, came "a crazy priest called John Ball," who from the text, —

> "When Adam delved and Eve span,
> Who was then the gentleman?"

Preached thus to the men of Kent: "My good friends, things cannot go on well in England, nor ever will, until everything shall be in common; when there shall be neither vassal nor lord, and all distinctions leveled; when the lords shall be no more masters than ourselves. How ill they have used us! And for what reason do they thus hold us in bondage? Are we not all descended from the same parents, Adam and Eve? What can they show or what reasons give why they should be more the masters than ourselves? except perhaps, in making us labor and work for them to spend. They are clothed in velvets and rich stuffs, ornamented with ermine and other furs, while we are forced to wear poor cloth. They have wines, spices, and fine bread, when we have only rye and the refuse of the straw; and if we drink it must be water. They have handsome seats and manors, when we must brave the wind and rain in our labors in the field. But it is from our labor they have wherewith to support their pomp." And Wat the Tyler and his men went up to London. From 1476 to 1524 the Peasants' War gathered force in Germany and pervaded Europe. A thousand castles and convents were burned and sacked. Tens of thousands of people were slain in battle or tortured and killed in captivity.

For at least a century before the French Revolution the peasantry of that country were systematically and even maliciously oppressed. "Let him do what he like," said De Tocqueville of the French peasant, "he cannot but meet at every step of his life these same neighbors (the Seigneurs) who interfere with his enjoyments, impede his work, consume his produce; and, when he has done with these, others, dressed in black, make their appearance and sweep off the clearest part of his harvest. Picture, if you can, the condition, the wants, the character, the passions of such a man, and estimate the store of hatred and envy he is laying up in his heart!" The time came when, to use the words of Mackintosh, "the peasants had to avenge these silent, grinding oppressions which formed almost the only intercourse of the rich with the indigent, and which, though less flagrant than those of Government, were perhaps productive of more intolerable and diffused misery." Each century has had its story of oppression, of long endurance and savage rebellion, ending in defeat and submission; until the Tory historian Alison might seem justified in saying that "ignorant, disunited men, drawn from humble employments, can never long remain at the head of affairs." But these were the John Browns of the Farmers' Movement, whose sincerity and singleness of purpose deserved success, though the means they used and the difficulties under which they labored necessitated defeat.

But as the intelligence, the ability, and the will to associate for the common good, become developed, a more determined and less savage resistance begins, and more positive efforts are made to promote the common welfare. The farmers and farm laborers of the world are among the last to combine. As late as ten years ago the author of "My Farm of Edgewood" complained that "there is no coherence of the farmers as a body, no trade-guild, no banding of endeavor to work a common triumph or ferret out a common abuse." Isolation, with its consequent lack of sympathy and power of combination, made this powerful class even as heretofore untrained, unwieldy and without influence. But the same irresistible law of progress that De Tocqueville recognized when he pronounced "the gradual development of the principles of equality as a providential fact," reaches peasant and prince at last, —

> "Æquo pulsat pede pauperum tabernas
> Regumque turres."

And now another century brings ano ther rising ofthe agricultural class under peaceful and democratic conditions, but provoked by the new feudalism of which I have spoken. Our nineteenth century Froissarts will wonder "from what a trifle the pestilence rages." They have intimated already that it happens "all through the too great

comfort of the commonalty." "When a horse or a mule was worth two prices, and a bushel of corn or of oats three," said a railroad officer to a "Tribune" reporter, "the silk dress got into the farmer's family, and they don't know now, when hard times have come, how to get it out." The normal condition of a farmer's family, we are to infer, does not admit of silk dresses, and the rural districts are unwarrantably extravagant. As the charge comes from a class of men paid higher salaries, in proportion to the ability required and the services rendered, than any other in the United States, you may fancy how kindly it is received. These veracious chroniclers are as free in the use of opprobrious epithets as ever, and regard the leaders of the Farmers' Movement as crazy and communistic.

But I do not doubt the earnestness and thoroughness of the convictions that give the movement strength. Resistance began where oppression was most felt, and where there was the greatest ability to resist it. This was in the Western States, where cheap lands and a fertile soil attracted a large body of emigrants from the more intelligent and enterprising of the agricultural classes. These comprise in the Northwestern States more than half the population instead of 30 per cent., as in all New England, and 12 and 13 as in Massachusetts and Rhode Island. The products of their labor are far in excess of local consumption, and a large surplus, seeking the less productive regions of the sea-board, and an outlet for export, must pass through the hands of dealer and transporter. This production has been stimulated by railroads pushed into the prairie wilderness almost in advance of settlement, and endowed with lavish gifts of public lands, which in turn are liberally advertised and attractively sold. The wants of these people, so far as not satisfied by local production, must be supplied through the same channels. The result, under the existing system, is high charges on the part of transporter and trader, increasing the cost, but lowering the price of farm products, so that even in most favorable seasons the occupation may become unremunerative, and men grow poor in the midst of plenty, although there is a demand for their products at a good price on the sea-board.

But it was found, when the discussion was once started, that the Western farmers were by no means the only sufferers. A circular sent out over a year since by the Department of Agriculture elicited from returns from over half the counties of the Union, the fact that a small minority of the reports expressed no discouragement. "The leading difficulty in the West," says the statistician, "and a prominent one in all sections, is the burden of railroad transportation." Middle men, and the monopolies formed by their combination, are pronounced a "terrible scourge," especially in some of the Atlantic States. Upon these two

abused functions of trade and transportation, the agricultural population instinctively fixed, and subsequent discussion has shown they were not far wrong.

From these as immediate causes, I believe, the Farmers' Movement began. It appropriated such existing organizations of the agricultural class as seemed best adapted to its purpose. The agricultural societies, or boards of agriculture, whose chief function was the holding of an annual exhibition, were generally passed by; but the Farmers' Clubs, organized for discussion and mutual instruction in the art of agriculture, and the Granges of Patrons of Husbandry, whose original object was educational and social, came nearer what was needed, and were appropriated, multiplied, and turned upon the new work. The loose organization and early mortality of the clubs, and the secrecy and prohibition of political discussion in the granges, were drawbacks to their efficiency; but in spite of them organization has gone on rapidly. In nearly every State of the Union enough local granges have been organized to make the organization of a State Grange admissible. Probably one million persons belong to that order alone. On the first day of January, 1874, they were strongest in the order named in Iowa, Missouri, Indiana, Illinois, Kansas, Mississippi, Georgia, and Minnesota, none of which had less than four hundred granges. The number of clubs is less attainable. In Illinois, on the first of January, there were not far from nine hundred with a membership of forty-five thousand persons.

The example of these rapidly forming organizations reacts upon the labor organizations; and we find them increasing their numbers and changing their form to something analagous to the Patrons of Husbandry. The old trades-unions are strengthened, or, what is better, tend to become more fused into a class organization, with broader and less selfish purposes. Sooner or later all these industrial classes promise to join hands in the common name of *Labor*, whose rights, heretof re antithesised against capital, must rather be stated as Lincoln put the case in 1861: "Labor is prior to and independent of capital. Capital is only the fruit of labor, and never could have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration." If this be true, it is evident that the legislatures, the executive officers, and the judiciary of our States and nation, have heretofore spent an undue amount of time in incorporating, looking after, and doing the business of capital, in the shape of railroad, banking, insurance, and other corporations devised for the purpose of enabling privileged classes to average higher profits than common men could individually gain. And it is evident that a government based on the idea of the political equality of all men is by no

means performing its proper function in building up a plutocracy. Thus the movement which began with the agricultural class gives new life and energy to our labor reforms, and promises to become a general, movement in the direction of political reform, independent of all existing political organizations.

The discussions which ensue in ferreting out the causes of existing ills are most valuable in exposing abuses and educating the people to more radical theories than have yet been accepted by those who have thus far controlled legislation. In the light of these discussions further insight is obtained into the more remote causes of the Farmers' Movement. Many of these equally affect all the industrial classes, and some of them call for the attention of all fair-minded men of whatever pursuit in life. They are by no means class grievances — although even a class grievance affecting from half to three quarters of the population is a serious affair, — but national disasters, in the highest degree detrimental to the producing classes on whose prosperity the welfare of the country depends. I will enumerate some of them.

I. The wealth of the country, although the product of the labor of our industrial classes, in great measure, does not remain in the hands of those classes, but accumulates in the hands of a relatively small number of non-producers. Compare the increase of the wealth engaged in different investments from 1850 to 1870 in the United States, according to the census: —

| | 1850. | 1860. | 1870. |
|---|---|---|---|
| Total Wealth . . . . . | $7,135,780,228 | $14,159,616,068 | $30,068,518,507 |
| Agricultural Wealth . . . . | 3,967,343,580 | 7,980,493,063 | 11,124,958,737 |
| Manufacturing Wealth . . . | 533,245,351 | 1,009,855,705 | 2,118,208,769 |
| Mining Wealth . . . . . | – | – | 222,384,854 |
| Fisheries . . . . . | – | – | 7,469,575 |
| Total Industrial Wealth . . . | 4,500,588,931 | 8,990,348,778 | 13,473,021,935 |
| Total other Wealth . . . . . | 2,635,191,297 | 5,169,267,290 | 16,585,496,572 |

Assuming these figures to be sufficiently correct for our purpose, we notice immediately a wonderful difference in the rate of increase of industrial as compared with other wealth during the last decade. In the decade 1850-60 the various classes of wealth enumerated increased at very nearly the same rate. But in the period between 1860 and 1870 the agricultural wealth of the country increased but 40 per cent., or 4 per cent. per annum, and the manufacturing and mining wealth 110 per cent., or 11 per cent. per annum. The increase of all the industrial wealth was about 50 per cent., or 5 per cent. per annum, while the wealth of the country not industrial increased 200 per cent., or 20 per cent. per annum, or 4 and 5 to 1 as compared with the industrial and agricultural wealth. This statement may be qualified by the fact that

the industrial classes have considerable amounts invested outside of their occupation; that there is more "inflation" in the estimated wealth not agricultural, etc. Yet the undeniable fact remains that the industries of the country receive no fair share of their earnings.

The actual *production* of wealth by the industrial classes, and its percentage on the capital invested is far greater, than the above figures would indicate.

| | Capital invested. | Persons employed. | Earnings 1870. | Earnings per Head. | Earnings per Cent. of Capital. |
|---|---|---|---|---|---|
| Agriculture. | $11,124,958,73 | 5,922,471 | $2,447,538,628 | $413 | 22 |
| Manufactures | 2,118,208,769 | 2,053,966 | 1,743,898,200 | 849 | 62 |
| Mining . . | 222,384,854 | 154,328 | 138,323,303 | 896 | 82 |
| Fisheries . . | 7,469,575 | 20,504 | 1,642,276 | 461 | 22 |
| | $13,473,021,935 | 8,151,269 | $4,331,402,437 | $531 | 32 |

Two facts are here significant — the relatively and absolutely low earnings of agricultural labor, and the fact that low as they are they are far above the actual increase of wealth in agriculture. If a comparison could be made of industrial labor with professional and other occupation the ratio would of course be much smaller.

All this constitutes a most serious charge against the political economy of a country in which such things are possible. Think of the facts and the necessary consequences if such a state of affairs be permitted to go on! Agricultural wealth in a new and fertile country, increasing at the rate of 4 per cent. per annum, while the non-producing wealth increases at the rate of 20 per cent.! How long can such a course be run and not renew the ancient story of serfdom, or familiarizing America with the ignorance, degradation, and suffering that disgrace the English agricultural districts to-day?

II. The conditions and often the direct causes of this extraordinary difference in prosperity as compared with the nearly uniform rate of increase between 1850 and 1860 are, I believe, mainly legislative. The more cunning, unscrupulous, and corrupting hand of corporation and capitalist has moulded legislation to its will in its own interest. It has been quite possible to do this, because the industrial classes whose interests are equally involved are represented in our national and State legislatures by persons having little or no economical interest in common with them. An analysis of the employments of the members of our present Congress shows the following extraordinary facts: —

Agriculture, employing 5,922,477 persons, is represented by 26 farmers and planters, or one for every 228,000 persons.

Professional and personal pursuits, in which 2,684,793 persons are engaged, are represented by 228 lawyers, 12 editors, 3 physicians, 2

professors, 2 civil engineers, and 1 hotel proprietor; in all 248 members, or one for every 10,800 persons.

Trade and transportation, employing 1,191,238 persons, are represented by 32 merchants, 11 bankers, 2 railroad managers, and 1 stage proprietor; 46 in all, or one for 26,000 persons.

Manufactures, mechanics, and mining, employing 2,707,421 persons, are represented by 11 manufacturers and 2 miners, or one for 208,200 persons.

The occupations of 33 members is not given, or unknown.

Such a body, however honest and free from the influence of unworthy motives, could hardly be expected to understand and appreciate the needs of the agricultural nor of the other producing classes. Its whole composition is opposed to the idea of representation according to interests involved.

If we examine our State legislatures we find in many instances a very similar state of affairs. Illinois is eminently an agricultural State; yet it has but 8 farmers in its Senate of 51 members, and about 40 farmers in its House of Representatives of 153 members. Although the State contains but 3¼ lawyers for every 1,000 of her people, yet the members of this profession comprise by far the most numerous class in her legislature, and 19 of her 21 members of Congress are lawyers.

But while the industrial interests are thus scantily represented or misrepresented in Congress, we are told that some 80 of these Congressmen are directors and stockholders in national banks; a large number are interested as directors, stockholders, and attorneys in the railway corporations of their own and other States; a smaller number are directly and indirectly interested in protected manufactures. The remainder are members of the legal fraternity, not generally the ablest or best of their class, habituated to taking the fees and arguing the cases of all comers, and not always clearly distinguishing the duties of the representative to his constituency from those of the advocate to his client. On a smaller scale, and with considerable variation and qualification, the same facts appear in our State legislatures.

III. The consequences are what might be anticipated. Legislation is shaped to directly meet the interests of those engaged in legislation, of the classes to which they belong, or by which they are retained. Hence we have, first and worst of all, legislation whereby special privileges are given, or attempted to be given, to a favored few in perpetuity to tax the public. The railroads, which practically are now the highways of the country, are turned over to corporations that claim the rights of public corporations, but refuse to perform their duties. The practical result is, that the whole transportation of the country, but especially freights from the West to the sea-board, and from non-com-

peting points, is compelled to pay a heavy tax over and above the necessary cost of transportation. Every bushel of wheat or corn or other article produced in excess of home consumption has its price depressed far below its proper value, whether it be transported or not. The ten States of the Northwest, producing annually more than a million bushels of grain, find the market value of this grain depressed from 20 to 25 cents per bushel by extortionate charges for transportation. You can see what vast possibilities for ill-gotten gain on the one hand, and enormous loss on the part of the farmers of the West are implied in that statement. Hence it come, that the railroads of the United States, having at the end of 1872 a capital stock of $1,647,844,123, and claiming a total cost of $3,159,423,057, according to Mr. Poor, although generally extravagantly built and often dishonestly managed, paid 5.2 per cent. on their alleged cost, and nearly 10.5 per cent. on their capital stock, while the agricultural wealth of the country was increasing barely 4 per cent. per annum.

Again, take banking corporations, such as are now organized in our national banks, and we again see the result of special privilege conferred by law. The same capital is permitted at once to draw 5 or 6 per cent. coin interest, and 8, 10, or more per cent. currency from private persons. The figures from the last report of the Comptroller of the Currency, for 1976 national banks, on the 12th day of September, 1873, gave these results, as aggregates :—

| | |
|---|---|
| Capital stock . . . . . | $491,072,616 00 |
| Surplus fund . . . . . | 120,314,499 20 |
| Undivided profits . . . . . | 54,515,131 76 |
| Gross capital . . . . . | $665,902,246 96 |
| Loans and discounts . . . . . | $940,233,304 22 |
| Bonds to secure circulation . . . | 388,330,400 00 |
| Bonds to secure deposits . . . . | 14,805,000 00 |
| and securities . . . | 8,824,850 00 |
| Other stocks, bonds, and mortgages . . | 23,709,034 53 |
| Total amount drawing interest . | $1,375,902,588 75 |

An amount nearly thrice the original capital stock is drawing interest; over 35 per cent. has been actually added to the capital stock; the capital stock itself is paying by this showing 20 per cent. per annum; and according to the declaration of the banks themselves, nearly 14 per cent. This also is better than a profit of 4 per cent. in farming.

State banking, fire and life insurance companies, incorporated by

general or special acts, give similar results, though not from such large investments of capital, nor with such extraordinary powers of monopoly.

In many of these and in some other cases the corporations organized claim practical immunity from responsibility to the power that authorized their existence; but use the special privileges granted by that power to tax and often oppress the individuals whose sovereignty and interest that power is supposed to represent.

IV. Legislation and other governmental powers are in like manner used to confer special privileges less objectionable in their character than those I have just mentioned, but often very onerous while they exist. Of this class are "protective" tariffs and patent "rights." In both these cases the representatives of the people attempt to do indirectly what they dare not do directly. It is conceivable that direct bounties to encourage the establishment of manufactures, and pecuniary reward to meritorious inventors, may be sound public policy, but what are we to think of a policy that not only taxes the people for more than the cost of direct subsidies, but lays the foundation of monopolies that extort from the consumer from four to five times the cost of production? Yet such we find to be the cause of the enormous profits on reapers and mowers, sewing-machines, and the high cost to consumers of iron, salt, lumber, etc., compared with the expense of production. Here, especially, in the "ways that are dark" of Congressional lobbies and departmental corridors, does the manufacturing or "royalty" speculator follow his lucrative pursuit, which is to end in the consumer paying $75 for a sewing-machine that is made for $15, and $200 for a reaper that cost $50. This, too, is more than 4 per cent. per annum.

V. Leaving the discussion of direct special privileges granted by legislation, we next elicit the fact that taxation, national and State, is to a great extent levied upon consumption, that is, upon the person, and little upon property, which theoretically, it is conceded, should bear a large portion of the burden; and, furthermore, that where taxation of the wealth of a State has been attempted, it has been the tangible or visible property of the industries, and especially of the farm that has paid the tax in a very unequal degree. Take our national revenues, derived, according to the last report of the Secretary of the Treasury, about 58 per cent. from customs, 35 per cent. from internal revenue, and the remaining 7 per cent. from miscellaneous sources. The 35 per cent. from internal revenue is derived mainly from tobacco and spirits. The 75 per cent. of the population engaged in production pay three quarters of this tax, although they own less than half the wealth of the country. The revenue derived from customs is assign-

able in nearly the same way; and I feel safe in saying that 70 per cent. of our national taxes are paid by men owning 45 per cent. of its wealth; in other words, that the wealth of the producers pays three dollars national taxation for one of the non-producers. Take our State taxation, and we find in most States of the Union that in attempting to assess and tax all kinds of property, tangible and intangible, the result has been a failure to reach the invisible property to a great extent, while the farms, live-stock, shops, and tools of the industrial classes and country districts have been almost exhaustively assessed. In Illinois, where agricultural wealth is a little more than half the total wealth, the agricultural taxation is estimated at from 60 to 75 per cent. of the whole, or from 10 to 25 per cent. more than is just. This is the kind of taxation to which wealth paying 4 per cent. per annum must submit, while the more profitable capital of the country escapes by paying from one third to one half that rate.

VI. The legislation of Congress upon the money or currency question, while baneful to all classes engaged in legitimate trade and manufactures, has been specially injurious to the agricultural class, and only helpful to their worst enemies, the great speculators in railway stocks and their allies. Our currency now has a nominal value of say 90 cents, as compared with the gold dollar; and practically we might expect to buy and sell in that currency at an advance of say 12 per cent. on former prices. But the facts are far otherwise. Corn, wheat, flour, and lard averaged the same or a less price in the New York market during the last five years than they commanded in gold during the five years preceding the war. But coffee and tea have nearly doubled in value, and sugar increased 38 per cent. Taking a wider range of articles, I find that seven articles of agricultural production — mostly exported — wheat, corn, flour, cotton, leather, mess beef, and lard, have increased in value only 5 per cent. over the gold prices of 1855–59, while four important articles of farm consumption — generally imported — coffee, cut nails, sugar, and tea, advanced in price 40 per cent. Thus the tillers of the soil are selling for less and paying far higher prices than at any time during the last twenty years, because our currency is depreciated.

VII. As a combined result of the opportunities afforded by vicious legislation, we find that an unusually large proportion of the population has engaged in trade and other non-productive employments. Speculation and a large element of uncertainty pervades all business. Monopolies founded on the special privileges granted by legislation are made more permanent and mischievous by private conspiracy. Railroad and other transportation companies combine to fix rates, publishers to fix the price of school-books, and manufacturers to sustain

the prices of plows. We have "rings" in legislation, "corners" on 'Change, and "pools" in railway earnings, that threaten to throttle all honest and honorable trade transportation and toil. Such is the condition of our country, under which first of all the agricultural class, but ultimately all the industrial classes, must succumb, unless capable of resistance and reform. All these abuses, discussed in the light of a more intelligent and pronounced Republicanism, tend to build up a new political organization, which, appealing to the first principles of the Declaration, comes forward to abolish the new slavery with which corporate wealth threatens us, and to put out of the way some of the baser forms of class privilege that now infest our Democracy.

It seems to be the law of American politics, perhaps of Anglo-Saxon politics, that parties must be replaced by parties, organized on more radical principles and fighting their way to success because of the more inherent justice and enthusiasm of the ideas they advocate. Success brings contentment and quiescence — and conservatism — a perpetuation and defense of existing facts, good and bad. Another party, more radical, arises in the progress of democratic ideas, and attacks newly-discerned abuses, and marches on with success to more advanced schemes and practices of government. Such, at least, has been the experience of the two parties of the country. The Democratic party, denounced and feared in its inception as revolutionary and atheistic, rose rapidly to power, held it long, abused it, and sinks to a dishonored grave. The Republican party of 1856, stigmatized as abolitionists and agrarians, deriving its inspiration from the principle of universal equality laid down in the Declaration, became the great party of the country because it was founded on an undeniable principle of right. To-day, seated in the high places of power, by the weakness of its ancient and fish-like enemy, rather than its own strength, it can scarcely keep its skirts clear of corruption, nor meet the demands again arising for radical reform. It is now on trial — the question yet undecided whether John Law is to be our patron Saint in Finance, and Queen Elizabeth, of gracious memory, our holy mother Monopolist. Should the Republican, like the Democratic party, furnish complete evidence of its inability to meet the new duties that the new occasions have made, the near future will show a new and radical organization based on the same corner-stone of equal and exact justice; but whose fight shall be war to the knife, with the semi-legalized but unjust privileges of chartered monopolies. *Sic semper tyrannis.*

The Farmers' Movement in the Western States means, then, first an advance in intelligence and ability on the part of the tillers of the soil; secondly, a recurrence of one of those periods not uncommon in

history of unusual oppression and distress caused by bad government, and resulting in rebellion on the part of the oppressed; and finally, an effort to reverse the unwise legislation that has, in the guise of corporate and other monopolies, created, fostered, and perpetuated a Shylock aristocracy, whose nobility compels no nobleness, but, insatiate, plunders rich and poor with a cruel impartiality.

The result I think will be to carry to yet more logical conclusions the principles of our Republican Democracy. It is a part, and an important one, of the general movement among the manual workers of the world. It partakes of the nature of that irrepressible conflict which overthrew one form of oppression, and is as inevitable as the progress of Democracy on the earth. It means that the time draws nearer when the cunning of the hand shall be directed by the brain of the worker — and not by the beck of a taskmaster. And *that* means a more equal division of profits — a more pleasant life for the laborer and a simpler and more republican life for those who would thrive by others' toil. Our agricultural colleges and polytechnic schools — the very free schools of our country districts — make it the more certain: for intelligent labor will not submit to the brutal despotism of corporations, and will demand and have its rights. And so far as the agricultural class are concerned, it is not a suddenly taken, inconsiderate action. The farmers of the country, above all others, have given hostages to fortune, not only in wife and children, but in houses and lands, herds and crops. They are by necessity conservative in action, but they have a keen sense of justice and have endured at least so long as endurance is a virtue.

### THE DISCUSSION ON MR. FLAGG'S PAPER.

President Woolsey then invited discussion on the papers read.

Judge Bolles, of Norwich, Conn., said there were two faults in the paper just read, both of which related to its indefiniteness in giving the *raison d'etre* of the movement of the opposition of the farmers to the railroad companies. He thought that if there were no railroads there would be no farms, or at least the area of farmable land would be so small that the scope of labor would be reduced. The next difficulty is the question of *pro ratâ* charges. The rate of carrying wheat from the West to the East was $2\frac{4}{10}$ cts. per cwt. per mile. If that rate were adhered to it would make the cost of transportation to New York about sixty-four cents per bushel. Another singular fact in this matter was the inconsistent attitude of the farmers towards the railroad corporations, as to their mode of incorporation, and as to the bonding of towns and counties for railroads. In these cases it was always claimed that the roads were private property, and that it was oppressive to bond the

towns for their support. So soon, however, as the farmers found that they would like to control the rates of freight on the roads, they set up an entirely new plea, and claimed the power and right to control them on the ground that they were public corporations. He thought there was one point which determined whether there was any merit in the Farmers' Movement. The parties who put their money into these roads expect and are entitled to a fair per centum of return for their money. Before the farmer begins to cry out so loudly, he might well ascertain first whether these roads are making such enormous profits and paying such large dividends. According to the best authorities on the subject the average profit of the railroad companies was about four and one-half or five per cent. on Western roads, and about seven per cent. on Eastern roads, reckoned on the cost of building the roads.

Mr. Bradford, of Boston, said he was struck by the allusion in a paper by Professor Gilman to the Chinese question. The great wave of population originally swept from the East toward the West, and had now made its circuit of the world. To-day we witnessed the marvelous spectacle of this westward-bound surge beating against the eastern wall from which it had started, and the centuries upon centuries of Chinese education and history, and its religion 4,000 years old, brought into immediate contact with a history of twenty-five years. It was indeed a wonderful problem, and one of the grandest ever presented to the human mind for solution. He had also been struck by the remarks on the farmers and the railroad question as being one intimately associated with the subject of the other paper. Both presented considerations in common, as the latter embraced a question of labor in conjunction with the cheap Chinese labor problem. As he (Mr. Bradford) construed the immediate subject under consideration, it was not to be settled by any amount of controversy between the farmers and the railroad companies, but it was a question of currency purely. Gold, in the long run, determines the depreciation of currency, and in like manner the price of the whole grain crop is determined by the exported portion. The farmer raises it at currency prices and disposes of it at gold prices, and the gold appreciation exceeding the currency depreciation, there is no fair ratio of return. The question was not one of the railroads and the farmers against each other, but purely one of specie payments, and when we return to that basis of currency the railroad and farmers will find that the question between them is settled.

At the conclusion of Mr. Bradford's remarks, President Woolsey, in a few words of praise invited Samuel B. Ruggles upon the platform. Mr. Ruggles, who held a copy of the condensed return of the census of 1870, denied the position taken by the farmers, that they were the poorest class of the community, and said, —

They live well, and with an average capital of $1,200 they enjoy an average income of $400. They have grievances in common with us all. We are all cursed with the same pest; it is this detestable rag — paper money. Down with paper money should be their cry. (Applause.) The transportation question is not the main one; the work is immense, far beyond the real capacity of the railroads to accomplish. Ample water communication and hard money are the farmer's war notes by which he will permanently and honorably win.

Mr. Ruggles also said that the people of ten States lying north of the Ohio River owned, in 1850, farm property valued at $914,000,000. The population of these States had doubled in the past ten years. In 1870, the value of this farm property was $5,132,000,000. The value of the farm products was not given in 1850 and 1860, but in 1870 it was shown in these States to be $978,000,000. The farmer was not a serf. He had no tyrannical landlord to oppress him. It was shown that 975 out of every 1,000 farmers in this section owned their farms. In twenty years they had accumulated $5,000,000,000 worth of property. The census of 1870 showed that there were 2,000,000 farmers. This would give an average amount of $2,400 to each. It is shown that they had paid their help less than ten per cent. of their income. They had paid $91,000,000 for help. It was shown that each and all of these poverty-stricken farmers (laughter) above the age of ten years were in the receipt of an income of $400. In the light of this great progress what would be the result in the year 1900? In 1850, there were raised 300,000,000 bushels of grain in those States; in 1860, 500,000,000 bushels; in 1870, 810,000,000 bushels, or 21,000,000 tons of grain. Of this amount 10,000,000 bushels must be carried from the lake ports. He had been a canal man all his days. What is needed is that the canal shall be enlarged. Steam is now triumphant. The railroads must disappear and give place to water transportation. Canada is better governed than the United States, for she has appropriated $6,000,000 to facilitate water transportation. The Canadians will yet carry grain from Lake Michigan to Montreal for $3.50 per ton. It costs $6.45 per ton to bring it to this city. We must have more adequate canal transportation or Montreal will divert the trade of New York to the St. Lawrence.

The Secretary said it was proper on account of the criticism made, to say that Mr. Flagg was a hard-money man, and was continually urging that question upon the attention of the farmers of Illinois. The debate here terminated.

# OCEAN LANES FOR STEAMSHIPS.

A Paper by Professor Benjamin Peirce, of Cambridge, Mass.

Read Wednesday Evening, May 20, 1874.

The union of the words ocean and lane in the title of this paper may seem rather strange. It may appear forced to speak of lanes in the pathless ocean, where there are no hedges to limit them. Without undertaking to refer to the authority which might perhaps be of value, that of one of our earliest friends, that venerable siren who used to lull us to sleep with the duet between the man of the woods and the man of the sea, I will simply say that as it is a good one, it is very expressive, and I think it will therefore be adopted on the same principle which regulates language as well as every other commerce, that of the law of supply and demand.

The present paper lays no claim to originality or even to novelty. It will perform its desired function, if it should have any influence to effect a systematic organization of the paths of the Atlantic steamers, so as to remove the principal source of the dangers of collision. It aims to arouse public attention to the rapidly increasing magnitude of the peril, and induce action before there shall come the irresistible logic of terrible disasters following close upon each other. Such disasters have already occurred, and even at an early period, when the danger was not one twentieth part of what it is now. When the number of steamers shall be tenfold what it is to-day, which will occur in the next generation, each steamer will be exposed to ten times the peril, and as their number is tenfold, the whole number of collisions will be one hundred fold its present number. There will be as many in a year as there are now in a century, and every year will have its cruel record of these fearful accidents. The necessity of protecting the ocean from this danger, by assigning fixed limits to the routes of the steamships, was first considered as early as the year 1855, in a correspondence between the late M. F. Maury and numerous shipowners and underwriters. This correspondence originated, I believe, with R. B. Forbes, Esq., of Boston, and I think it was then that the expressive designation of "ocean lanes" was introduced. The subsequent investigations of Mr. Maury referred especially to the ordinary sailing vessels and purely mercantile steamers, which ships should avoid

the proposed lanes just in proportion as they are occupied by swift steamers, for whose use they are intended. The subject has recently been taken in hand by Prof. Von Frieden, of the North German Observatory, who has collated the routes of the various German steamers, and deduced from them what he regards as a proper route for each month in the year, and in each direction. They are easily understood by a reference to the chart. It must be observed that the meridian of greatest danger is that 50° west of Greenwich. This is the meridian of the Banks of Newfoundland, with its dense fogs, its squadrons of fishing-smacks, and its stranded icebergs. It is of the first importance to decide at what point this meridian shall be found, and this point decided, it may not be necessary to impose any other restrictions as to the route to be pursued. All the western passages of the German routes cross the meridian of 50°, between the latitudes of 46° north and 43° 42′ north. The average length of these routes is only about six miles longer than the shortest route which could be pursued, but they cross the Great Banks near their widest and most dangerous part. The eastern German passages are of two classes for the three winter months of October, November, and December, which hardly differ from the shortest possible route, which is exactly the route for October. In the nine remaining months the passages are north of the western routes, crossing the meridian 50° between the latitudes of 44° 38′ north, and 42° 30′ north. The two routes of May and June are included within the limits actually adopted for the western routes of the Cunard Line, and are thereby exposed to peculiar risk in the two months when there is the greatest danger from fog and ice. These lanes of the German astronomer are at present propositions, and have not been adopted by either of the lines. The objections to these are that they occupy too great a breadth of the ocean, and especially the whole extent of the Great Banks ; that they are different in different months, thus losing the advantage of a single well-defined track, and introducing perplexity and confusion as to which month each steamer properly belongs in ; that the opposing routes of different months overlap each other, and especially that the more southern of the eastern routes lie exactly in the track of the Cunard Line on their western passage. The tracks which have actually been adopted by the Cunard Line are defined with extreme simplicity, and are in a very few words published in all the advertisements: "With the view of diminishing the chances of collision, the steamers of this line will henceforth take a specified course for all seasons of the year. On the outward passage from Queenstown to New York or Boston, crossing the meridian of 50° at 43° latitude, or nothing to the north of 43° ; on the homeward passage crossing the meridian of 50° at 42° latitude, or

nothing to the north of 42°." The singular brevity, conciseness, and completeness of these directions mark their author as a man of genius. They are dictated by a regard to that security of life which is the first duty of the carrier of passengers. For this the Cunard Line deserve infinite credit. They have sacrificed everything else to the safety of their passengers. It is part of the system which has made their extraordinary good fortune, and I believe the same restriction will have to be adopted by all other lines. There is no sound reason why others should not be compelled to it. What will be the loss in a passage? Forty miles, and only forty miles. Only three hours lost in the whole passage; and the more ships you have on that line the more safety you have. It is a case of safety in numbers. The ships would be too near to run into each other, and in case of accident could help each other. In a fog seamanship goes for nothing. You can have no dependence on the skill of a commander. Remember that you can't see the ship's length, and when a ship comes in upon you, she's on you — the thing is done.

The Cunard Line can unite most of the lanes so as to reduce the dangers to the least amount, and being the same at all seasons there would be no uncertainty regarding them. I venture, then, to press upon this Association the expediency of using its influence to induce the other lines of Atlantic steamers to adopt the Cunard routes. It is essential to the success of the system that it should be universally adopted. I am sure you will regard the object as worthy of the earnest action of the Association. It is important to consider the agencies through which the system must be introduced, whether there be any action of Government which will be required, or whether the whole subject should be left to the ship-owners and underwriters. Some clause introduced into marine policies might be wise and effective, and it might be well to subject all the logs of the steamers to some officer of acknowledged judgment, from whom an unfavorable report would be received as a serious sentence, and one greatly to be dreaded.

But even when the lanes are established there will still remain considerable danger, unless the steamers are required to assume a uniform speed — say of ten knots an hour — during the continuance of a fog. If the ships on this line went at different rates of speed there might be a danger. Let them all run at a given speed in fogs — say ten miles — and they are safe and secure from collision. There would only be the chance of a disabled ship lying helpless in the path, an evil that can be guarded against. And all this, I think, is not to be done by any state action. Let the underwriters insist on a clause in policies making the right to damage depend on the position of a ship hurt in a collision. Another point of value would be to require every

ship to send in its log at the end of a voyage and let the captain be publicly fined, at a nominal rate, if he crossed the meridian at the wrong places. No captain could stand that often. But I believe that the captains will be the men most ready to coöperate in this scheme and to assist in carrying it through.

With these suggestions I leave the subject in the hands of any committee which may be appointed.

### APPOINTMENT OF A COMMITTEE.

At the conclusion of Professor Peirce's paper, Mr. Robert H. McCurdy, of New York, moved a resolution that a committee be appointed to give the subject careful attention.

Mr. George Walker seconded the motion, relating several incidents as occurring in his own experience, and showing the extreme caution adopted and displayed by the captains and officers of the Cunard Line.

Mr. Samuel B. Ruggles, of New York, said the Chamber of Commerce had already forwarded a petition to Congress urging the passage of a resolution offered by Senator Conkling to authorize President Grant to appoint a Commissioner on this subject as soon as other nations shall have appointed Commissioners, to decide upon some international understanding and agreement on this question. He thought, therefore, that it would be best to authorize this proposed committee to confer with this Government officer or officers on the matter.

Judge Peabody, of New York, opposed any such limitation of the powers of the committee, as they would be powerless should the Government not take any action. He thought it would be best to give the committee general power to urge the subject by all proper means and through all proper channels. Letters from George W. Blunt, of New York, and R. B. Forbes, were then read, after which the resolution was adopted.

The following gentlemen were appointed by the Chairman as the committee to act in concert with similar committees appointed in England and Germany: Hon. C. P. Patterson, Superintendent of the Coast Survey, Washington, D. C.; Messrs. Charles H. Marshall, W. D. Morgan, Robert H. McCurdy, Samuel D. Babcock, and George W. Blunt, New York; Professor Benjamin Peirce, Messrs. R. B. Forbes, and James Sturgis, Boston; Messrs. Francis R. Cope, Charles Platt, and J. Vaughan Merrick, Philadelphia; Thomas Whittredge, Baltimore.

# RATIONAL PRINCIPLES OF TAXATION.

A Paper by David A. Wells, Esq., of Norwich, Conn.

Read May 20, 1874.

The elements of sovereignty — State or political — are in the main two: control or jurisdiction over *all persons*, citizens of the State or body politic, and control and jurisdiction over *all things* within the territory over which sovereignty is exercised. Without the possession of these powers there can be no complete and independent sovereignty — in fact no stable government; and we may even go farther and assert that the difference between different forms of government essentially resolve themselves into the manner in which these powers are exercised. Thus a government, whatever be its name, is despotic just in proportion as their exercise is arbitrary, capricious, and unlimited; and, on the other hand, a government is truly free just in proportion as their exercise is restricted from abuse, or just in proportion as the paramount good of the whole State is made a condition of their using.

The history of the rise and growth of these restrictions on sovereignty, which is the same thing as the history of civil liberty, has this curious feature, overlooked it seems to me in a great degree by historians; namely, that progress in the direction of freedom and intelligence in respect to the manner and extent in which the sovereignty of the State shall exercise authority and jurisdiction over persons, and the manner and extent in which it shall exercise authority and jurisdiction over property or things, has not been and is not now coextensive and coördinate. Thus, contrary to what might have been expected, the struggles for greater freedom between the people on the one hand, and despotic rulers on the other, during the sixteenth and seventeenth centuries, will almost always be found to have had their inception in arbitrary acts committed by the rulers in respect to property rather than in respect to persons; a condition of things travestied in the story of the merchant who, when stopped upon the highway, truthfully exclaimed in his fright, "Spare my money, O good Mr. Highwayman, but take my life."

For example, to confine our illustrations to English and American history, the people of England in the sixteenth century do not appear to have felt especially aggrieved, and certainly manifested no opposition, when Henry VIII., in the exercise of his despotic will, succes-

sively sent his ministers, his nobles, and wives to the scaffold; but when without the consent of Parliament he undertook to levy a tax upon his subjects, a very large proportion of the population rose in insurrection, with the cry that they were "English and not French, freemen and not slaves," and the king had to retract. During the reign of Elizabeth also, the use of the torture and the rack were regardedas legitimate functions of government, and scores of persons were arbitrarily and without arraignment or accusation subjected to imprisonment, and none of these things occasioned general popular indignation; but when, in 1601, the prerogative of sovereignty was exercised over trade and commerce to such an extent as to create grievous monopolies of salt, iron, leather, and the like, the popular agitation rose to such a degree that nothing but prompt concession, according to Macaulay, "saved the monarchy from a shameful and disastrous termination." And coming down still later, the matter of complaint at the outset, in the war of our Revolution, was rather that the rights of property had been violated by the mother country, inasmuch as the people were subjected to taxation without representation, than that they had been restrained of any liberty in respect to their persons.

On the other hand, within the present century especially, the direct relations of sovereignty to persons, have been so well defined and restricted in the interests of freedom that little now remains in English-speaking countries to be accomplished. The right of ownership in one's person, the freedom from arbitrary arrest, the writ of *habeas corpus*, liberty of speech and of worship, trial by jury, exemption from excessive and unusual punishments — all these are now so well established and incorporated in the spirit and letter of the laws of constitutional governments that they have ceased to be matters of controversy, or even topics of conversation. But in respect to the methods by which the State shall exercise sovereignty over property there has been of late comparatively little progress in the spirit of liberty and intelligence, if, indeed, there has not been retrogression in the spirit of injustice and despotism; and the people, at least in the United States, apparently content with limiting the right of eminent domain to strictly public purposes, and coupling its exercise with the condition that just compensation shall be made for private property taken for public uses, and also with restricting the initiation of all laws providing for the taking of private property for the necessities of the State in the form of taxes to the representatives elected directly by popular suffrage, display little further interest in the questions whether the powers thus delegated to their agents are exercised in the spirit of freedom and equity; whether they tend to promote an equal or unequal distribution of property; and, above all, whether they tend to elevate or lower the standard of public morality.

In support of this view the following may be cited as illustrations and examples: The war of the rebellion was undertaken for and in the end accomplished the abolition of that form of slavery which denied to a class of persons in this country the ownership of their persons and the full enjoyment of the fruits of their labor; and yet the war, after effecting all this, left upon the statute-book the principles of slavery in another form intact. For any system of law which arbitrarily and for the purpose of benefiting special interests affirms that one person may trade freely with a second, but shall not with a third, thereby denies to the persons subject to that law the enjoyment of the highest right of property, namely, its free exchange, takes from them a part of the fruits of their labor for the benefit of others, and therefore of necessity reaffirms the principle of slavery. The argument that is generally put forward in justification of such legislation, that any present injury to individuals or society will be fully compensated by some future indirect good, is just as legitimate and relevant as the plea that certain people used to put forward in justification of negro slavery, that it really was for the good of the persons enslaved, and that any sufferings by the slave for the good of society — meaning thereby the masters — would be fully compensated in the world to come.

Again, during the present month, May, 1874, a member of Congress rose in his place in the House of Representatives and presented a bill providing for the levying of an income tax of five per cent. on the income of all persons when the same shall equal $5,000; and a tax of ten per cent on so much of the income of all persons as shall be in excess of $5,000; and the other members of the House sat by and heard the proposition and no man entered a protest against its reception. And yet there was a principle involved in this same proposition which, if adopted and recognized by any government in time of peace, would rightly debar it from any just claim to the title of free and sink it in truth to the level an Eastern despotism. To make this clear, let us suppose that it had been proposed to tax the incomes of red-haired men five per cent. and those of red-nosed men ten per cent., and to exempt all others, or to do as once actually was done in England, under an income tax law enacted in 1691 — tax Catholics at rates double those imposed on Protestants. Is it to be supposed that if any member of the House of Representatives had seriously risen with any such proposition that he would not only have been at once hooted down, but also at the first opportunity relegated back by his constituents into obscurity? And yet is there any difference in the principle involved in these propositions? Would there be any principle involved whatever other than the mere arbitrary and despotic exercise of power — the making the possession of a red nose or red hair, or the result of enterprise, skill, economy,

talent, or the fortuitous circumstances of birth or happy accident, the occasion for inflicting a penalty? That was what substantially was done in the Middle Ages, when nobles were exempt from taxation because they were nobles, and the common people were taxed because they were villains or bondmen; when Jews were assessed because they were not Christians, and Catholics because they were not Protestants. It is generally supposed that the arrival of the nineteenth century put an end to such arbitrary proceedings; but history is said to repeat itself, and in this particular instance the field for its repetition would seem to be the United States. If it be said, as it doubtless will be, in rejoinder, that the rich, by reason of their riches, are abundantly able to pay, and therefore should be made to, my answer is that under a universal and uniform income tax (if there could be such a thing) they would pay more by an inevitable law, and yet pay equitably; but that under an unequal law, which takes from them because they are rich, the act of taking has no claim to be considered a tax, but is simply confiscation. And if the State may take five per cent. from the man with $5,000 income, and ten per cent. from the man with more than $5,000, why stop at these limits? We have not approximated the limit of the ability of the persons assessed to make contributions. Why not take more? Why not take all that such individuals receive in excess of the average income of the masses? Why not divide up and put every one on an equality? The individual proposing such a tax was, then, in theoretical intent, a communist of the most radical type; though if the truth could be known, it would probably be found that he had not thought of the matter long enough to determine whether his action was or was not underlaid by any principle.

During a debate in the House during the present session also, a remark was made by a gentleman for whom I have a high respect, and because I have that respect will mention his name, General Hawley, of Connecticut, to the effect that he rejoiced in the removal of the duties on tea and coffee because these were taxes which especially fell upon the poorer classes of society. But, according to my way of looking at the subject, General Hawley would have spoken more correctly had he said, "I rejoice in the removal, under existing circumstances, of the duties on tea and coffee because I am *not* a friend to the poor man, and desire to see him taxed more heavily." For General Hawley will find it very difficult to name any taxes (and in using the term I mean equal and uniform assessments and not arbitrary takings) which can possibly be laid, which yield so much revenue to the State, and which burden the poor so little. He could not name the taxes on spirit and tobacco, for all investigation shows that the bulk of the revenue derived from

such taxes is derived from the poor and not from the rich. It could not be the taxes on iron and wool, leather and lumber, for to tax primarily these necessities of common life is to give occasion for the creation of a multiplicity of other taxes by reason of interest and profits, which will be proportional in number to the number of agencies and processes through which each article passes on its way from a raw material to an elaborated product for consumption; and taxes on such materials, in addition, carry with them and entail the heaviest of all taxes, namely, an enhancement of the cost of the instrumentalities or machinery of production, which forever duplicates and repeats itself. In illustration of this last point, let any one examine the tables of prices for clothing in London which occasionally appear as advertisements in the New York papers, and he will see that the cost of woolens in the United States is nearly or quite double the cost of similar goods in England; and yet no man can show that the English manufacturer, in the item of labor, has over six per cent. advantage over his American competitor in respect to the total cost of such fabrications.[1] And that the existing taxes on such a luxury as silk do not fall lighter on the poor man than did the repealed taxes on tea and coffee, will also be apparent if we reason a little. Thus the revenue derived from these articles in 1870, when the duty was five cents per pound on the one and twenty-five cents on the other, was in round numbers, $20,000,000, or at the rate of about fifty cents per head. Now the cost of a silk hat is increased by at least this amount, by reason of the taxes on its constituents to every man who annually purchases and wears one; as is the average stock of ribbons which most women annually purchase for their adornment. And if either man or woman add to their consumption of silk, the one in the way of a handkerchief for the neck, and the other by the purchase of a veil and a dress, the tax will be much greater; and to judge whether the poorer classes consume these articles, let an observation be made of the next procession in honor of St. Patrick, or the next gathering in commemoration of emancipation, and silk in some form will be found to be an adjunct of the dresses of most of the participants. Looking, then, at this whole matter of the relations of sovereignty to property, either philosophically and in the abstract, or practically by the light of present experience, it seems difficult to understand how men who, in the ordinary pursuits of life rarely fail to judge correctly, and are quick to recognize and resist any act that infringes on personal liberty, nevertheless embrace and advocate propositions in regard to taxation which, applied as rules for the management of any other business or department of civil polity, would be denounced by them as absurd, wasteful, despotic, and subversive of morality.

[1] "The late Edward Harris, of Rhode Island, whose thorough practical acquaintance with the woolen manufacture will not be questioned, long ago asserted, as the result of

The only explanation which I can offer of this social phenomenon is, that the economists, financiers, and statesmen who have carefully studied this subject — and the number is comparatively small — have thus far failed to formulate, or simply and collectively state in connection with evidence, the truths in respect to which they are collectively agreed; and that in the absence of a general recognition of anything like fundamental principles, practice in taxation, at least in this country, has been almost wholly dependent on what is regarded as expediency; while accident and ignorance have had more to do in determining what is expedient than experience and intelligence. The result as a practical matter, therefore, is, that in the United States there is now taken directly under the name of taxes, from the capital or earnings of the people by the National or State sovereignties, or their representa-

his experience, that the cost of labor in this industry was not in excess of twenty per cent. of the value of the products which it created. The census of 1870 more than confirmed the conclusions of Mr. Harris, by showing that the proportion which the cost of labor in the woolen industry sustained for that year to the aggregate value of the annual product of woolens was a little in excess of seventeen per cent., the exact figures being $155,405,058 value of the annual woolen product; and $26,877,575 cost of the labor entering therein.

"Now, in 1867, a careful personal examination and comparison of the woolen mills of the United States and Great Britain showed that the average difference in wages in this department of industry between the two countries (equal efficiency being conceded to the English operative) was about twenty-five per cent. in favor of the United States; but since then wages have so far advanced in Great Britain that the existing difference is probably not in excess of twenty per cent. But for the sake of argument, and to cover all contingencies, I will assume that the American laborer in the woolen mills of the United States receives, on an average, thirty per cent. more in wages than his English competitor. This, then, on the basis of the census returns, would give the English woolen manufacturer an advantage of about five per cent. (5.1) in the cost of his fabric, or six per cent. on the basis of the estimates of Mr. Harris, the calculation being thirty per cent. of seventeen per cent. in one instance, and thirty per cent. of twenty per cent. in the other. A tariff of ten per cent. on the import of cloths would, therefore, be more than sufficient to supplement any advantage which the English woolen manufacturers may have on the score of wages, through the employment of his so-called 'pauper labor,' over the American. But notwithstanding this, the actual tariff on the import of these products ranges from sixty to one hundred and fifty per cent., the heaviest duty being imposed on the cheapest fabrics, worn by the poor, and the lightest on the most costly, purchased by the rich; and the present condition of the woolen manufacture in the United States conclusively proves that even these excessive rates are anything but protective.

"The explanation of this singular phenomenon is, that the doctrine of protection has been 'run into the ground,' and in attempting to protect everything, we have so raised the prices of every constituent of manufacturing industry that, except in the case of a few articles — like worsteds and carpets, in respect to which the tariff is a juggle and a fraud — we protect nothing; that we have deprived the American woolen manufacturer of the immeasurable advantage enjoyed by the manufacturer of all other countries, namely, that of a free choice of raw material, without which he can no more make good and cheap cloth than the Israelites could make good bricks without straw; and finally, that by the conjoined agency of the tariff and a base currency, we have made the United States the poorest of all lands to buy in, but the very best to sell to." — *Wool and the Tariff, an Argument against Interference*, by David A. Wells, 1873.

tives, in round numbers between six and seven hundred million dollars per annum for various public purposes, or from one-twelfth to one fifteenth of the value of the entire annual product of the country — a fact, in the first instance, which finds no parallel, in respect to magnitude, in the experience of any other state or nation, and which in itself may go far towards affording an explanation of some fiscal phenomena which seem wanting in solution; and further, that this vast sum is taken by methods which do not rise to the dignity of a system; which in the case of the National Government are rarely the same one year with another, and in large proportion do not have revenue or the necessities of the State as their primary object; which in the case of the State Governments are not identical in any two States, and are widely different often as respects contiguous States. To which it may be also added, that important provisions of the law, allowed to stand upon the statute-book in almost every State, are practically a dead letter, simply because the end sought to be attained is impossible by the employment of any machinery that can be made available for their enforcement. In short, if there is a department of social science labor in which laborers are more needed, and in which greater economic and moral results are attainable, than the department of study and inquiry as to the best methods by which private property may be taken by the State for public uses, I have been unable to discern it.

Whether there are principles sufficiently fundamental to entitle them to general acceptance, and thus serve as a basis for a system of taxation adapted to every community, is a matter upon which political economists even are not agreed. Thus M. Say, the celebrated French economist, whose dicta have been adopted by some writers of repute in England, despairing apparently of finding any general available basis, lays down the maxim that the best system of finance is to spend little, and the best taxation that which is least in amount, while the real truth, on the contrary, is, that there is no act which can be performed by a community which brings in so large a return to the credit of civilization and general happiness as the judicious expenditure for public purposes of a percentage of the general wealth, raised by an equitable system of taxation.[1]

To confess, however, that the case is hopeless, is to confess that human knowledge, in at least one department, has reached its highest

[1] The fruits of such expenditure are general education and general health; improved roads, diminished expenses of transportation, and increased security for life and property. And it will be found to be a general rule, that no high degree of civilization can be maintained in a community, and indeed that no highly civilized community can exist, without comparatively large taxation; the converse of this proposition, however, at the same time not being admitted, that the existence of high taxes are necessarily a sign of high civilization.

limit; and that a class of transactions which, more than almost any other, are determinative of the distribution of wealth and the forms in which industry shall be exerted, are best directed by accident or caprice. To enter upon a discussion of this question, with a view of proving a negative within the limits of a paper proper to be presented on this occasion, is, however, impossible; and therefore I will content myself with briefly referring to a few points which, it seems to me, may be regarded in the light of economic axioms and from which sound deductions are possible.

And, *first*, it would seem evident a government cannot attain its highest development unless its machinery or methods of taxation are regular and permanent. Indeed, I incline to the opinion that an indifferent or faulty system of taxation that is permanent works less evil to the State than a good system that is perpetually changing. The curse of the tariff legislation of the United States has been rather its instability than its theory; but it should be remembered that in order that there may be stability there must be simplicity and also equity.

*Second.* Any system by which the sovereignty discriminates in assessments in respect to the same articles or classes of property owned by different individuals, whether the same be done intentionally, as in the case of wholly despotic sovereignties, or by a code of laws which human nature, self-interest, and the conditions of business make impossible of honest and equitable execution, has no claim to be termed taxation, but is simply arbitary taking or confiscation.

Thus the laws of the State of New York ordain that all debts due from solvent debtors and represented by mortgages shall be taxed at their full value *to the resident owners*, and not otherwise. A report for the year 1873 states, however, that not more than five per cent. of the value of such mortgages in the State is assessed. The circumstance, furthermore, that this tax is only an odious discrimination against resident owners of mortgages, shows that it is really a penalty upon residence, and is in no way different from a discriminating tax against colored, Jewish, or Catholic mortgagees. If the discrimination had been made in respect to color or religion, who can doubt that the subject would long ago have received attention at the hands of the political champions of freedom? As it is, however, the oldest inhabitant is without a defender. Again, the laws of all the New England States require that all State, city, municipal, and railroad bonds be taxed at their full valuation; but the prices at which these securities are daily bought and sold over all these States conclusively proves that they are not taxed. In the days of old Rome it was said that two augurs or diviners could not meet professionally without laughing. How can

two State assessors meet professionally without admitting that their administration, as regards equity, is an imposture?

*Third.* Taxation diffuses itself, and by laws which it is beyond the power of man to contravene, though he may make the diffusion for a time unequal in the same proportion as the tax is unequal or wanting in uniformity on the articles subject to the tax. There has been much written on this subject; but a single illustration which came to me in my experience as Commissioner for revising the tax laws of New York is in itself worth volumes of argument.

There are in round numbers in the city of New York a million of people. The laws of the State subject all their property, with small exceptions, to taxation; and yet out of this vast population, only about four per cent. are subjected to primary taxation, while in Boston, where the laws are executed in a more arbitrary manner, the ratio aside from the poll-tax is about eight per cent. Now, if the taxes do not diffuse themselves, and with a great degree of equality, what interest can the non-taxpayer have in New York in resisting corruption? What in an honest administration of the city and a reduction of taxes? Must he not, on the other hand, be benefited by exorbitant assessment on other property, and a distribution of the money collected, even if stolen by corruptionists, but spent with a lavish hand in giving him employment? But as John Adams once remarked, that if the Creator has given man a reason that is fallible, he has also impressed upon him an instinct that is sure, and that instinct teaches the masses of New York, however unlearned they may be in economic science, that taxes inevitably fall upon them through the increased price of all that they consume, even if they pay nothing directly; that if they are assessed primarily upon Mr. Astor he adds them to his rents; if upon Mr. Stewart, to his goods; upon Mr. Vanderbilt, to the price of his capital, whether sold upon the street or invested in railroads; and so being reflected, as it were, to infinity, or from reflection to reflection, they become eventually an integral part of the prices of all things. Taxation, furthermore, under a non-diffusive theory, becomes in reality a contest between classes; one class of real estate against another, — one class of personal property against other classes, — the classes possessed of no property against those that do possess it. The doctrine of the old philosopher Hobbes "that war or conflict is the natural state of mankind" becomes by this supposition embodied in taxation; and the Greek brigand must be regarded as the type of the modern assessor.

And accepting this principle of the diffusion of taxes, we must be led to another conclusion, and that is, that all taxation ultimately falls on consumption; so that each man's share of the burden of the State

will not be in the proportion to what he directly pays, but in the ratio of what he consumes. Hence, the greatest purchasers, the greatest consumers, or the greatest gormandizers if you will, are the greatest taxpayers; and while by an inevitable law no man, unless he lives wholly by charity or theft, can escape the incidence of taxation, the burden falls heaviest upon the rich, because, as a general rule, they are the greatest consumers.

NOTE. — [The author is fully aware that the principles of the diffusion of taxes, as thus laid down in this paper, are not held to be fully in accord with the tendency of modern economical thought, and that not a few economists whose opinions are entitled to respect, hold rather with Professor Thorold Rogers, "that taxes tend to remain upon the person who immediately pays them; or in other words, that it requires an effort, which is made with varying degrees of ease or difficulty, to shift a tax which is paid by the first payer to the shoulders of another."[1] A little reflection would, however, seem to make it evident, that unless Mr. Rogers and those who agree with him, have in mind a system of taxation which is highly arbitrary and irregular, devoid of justice, certainty, and uniformity (and about which nothing definite can be predicated), there can be no more tendency for taxes to remain upon the persons who immediately pay them, than there is for *rents*, insurance, interest, and the cost of fuel and water-supply to follow the same law. Taxes legitimately levied, are a part of the cost of production, and the question whether taxes diffuse themselves, finds its solution in the propounding of this further question: "Is the cost of production diffused on the articles produced?" Adam Smith, and his French contemporary economist, Quesnay, may be considered to have established the principle that taxes diffuse themselves with a degree of infallibility, when they are levied uniformly on the same article; and hence the deduction of Adam Smith, *that the average profits of one investment are always equal to the average of other investments, risk and skill in management, in each, being taken into consideration.* This is the principle which pervades his great work, "The Wealth of Nations;" and he even goes so far as to admit, that a tax upon labor, if it could be uniformly levied and collected, would be diffused and that the laborer would be the mere conduit through which the tax could pass to the public treasury. Thus he says, "While the demand for labor and the price of provisions, therefore, remains the same, a direct tax upon wages can have no other effect than to raise them somewhat higher than the tax;" and pursuing the subject further, he continues, "*no tax can ever reduce, for any considerable time, the rate of profit in*

[1] *Cobden and Public Opinion*, pp. 83, 84.

*any particular trade, which must always keep its level with other trades in the neighborhood.*" And it might also have been added with equal truth, that a tax exclusively assessed upon labor becomes an almost direct tax upon capital, or the converse; for the average price of labor is a measure of the average profits upon capital; for capital is only accumulated labor. To attempt, however, to discuss incidentally a subject of such importance and magnitude, and a proper understanding of which is necessary to any correct determination of the principles of taxation, is equivalent to discussing it imperfectly and superficially; and therefore the author will only further present in this connection, the general results of his investigations, which may be formulated somewhat as follows: —

*All taxation ultimately and necessarily falls on consumption; and the burden of every man, which no effort will enable him directly to avoid, will be in the exact proportion, or ratio, which his aggregate consumption maintains to the aggregate consumption of the taxing district, state, or community of which he is a member.*]

It would, however, be a mistake to infer, that because all taxation diffuses itself and ultimately falls on consumption, it is a matter of indifference what methods of assessment are adopted. If all methods resulted in perfect equality of assessment and economy in collection, and were equally free from personal annoyance, then it would indeed be a matter of indifference. But the trouble is, that all methods are not equally perfect, and the methods, as a general rule, which have been adopted in this country, and which commend themselves to popular approval, because they appear and claim to effect equality, are the most imperfect in this particular.

Thus take, for example, the so-called system adopted in Massachusetts, that all property, subject to a few exceptions, real within the State, and personal if belonging to its citizens wherever it may be, shall be subject to assessment. Now, no law of this character can ever be executed. The advance in civilization, the changes in the methods of doing business, the basing of vast transactions upon credit rather than upon actual ownership of capital, the offsetting of debts against debts, and the facilities of intercommunication have, within the last half century, changed in a very great degree the character of the property of all highly enterprising nations.

Much, and by far the largest portion of the personal property of the country is, moreover, invisible, incorporeal, and intangible, and to determine its value, and to assess it, would require that the persons charged with such duties should be able to see things which by all ordinary vision cannot be seen, and to know what, except by supernatural

agencies, cannot be known. It needs no argument, therefore, to establish the truth of the averment that a law providing for the assessment of all property is an absurdity, even in the absence of all experience.

Take also the income tax, which is advocated by many economists of repute. Theoretically what can be fairer than that each person should pay in proportion to his annual net gain or income. But practically an equitable assessment, based on the known incomes of each man, is an ideal that never can be realized. When we come to enacting laws for the collection of revenue, we must take human nature as we find it; and laws which are directly antagonistic to the two most powerful influences that can control human action — love of gain and the desire to avoid publicity in regard to one's private affairs — can never be efficiently administered. Under this head take one illustration: In 1868, with a Federal law assessing all incomes over $1,000, and with a trained corps of officials, only about 250,000 persons in the United States, out a population of 40,000,000, had any taxable income. Again, unless an income tax is an exclusive tax, or if it forms (as is proposed in this country) an element of a general system of taxation, it must necessarily involve double taxation — first on the property yielding the income, and second on the income itself. If the property yielding the income were under the jurisdiction and control of one State, and the person receiving the income was a resident of some other State, the duplication could hardly be avoided, as it is not avoided in Massachusetts and all other States which tax both property and income. It would seem evident also that the taxation of income from property outside the territory and jurisdiction of the taxing power is mere arbitrary procedure, and has not even the pretext of affording protection.

Let us also, in conclusion, briefly glance at another but no less important phase of this subject; namely, *the moral influence on society of unequal tax laws.* Thus, to take a portion of the property of one man for the benefit of the State because he is honest or ignorant, or unable to conceal its possession, and to allow the property of another man to escape because he is dishonest, cunning, and willing to forswear himself, is in effect to impose a penalty for honesty or ignorance, and to encourage dishonesty and duplicity. Again, if a manufacturer in a specific instance avoids the payment of an excise tax on the raw material of his manufacture, or an importer the duties on the goods he imports, it is clear that they thereby acquire an advantage over their competitors in the way of profit if they sell their wares at average prices, or have it in their power to damage or ruin their competitors if they sell at less. We can all see the injustice in such instances; but in the case of a law which first creates an opportunity for all the dishonest and unscrupulous to obtain advantage by fraud over their

neighbors, and then when the opportunity is availed of, forces the honest and scrupulous to decide whether they shall suffer, or, in self-defense act in a like manner, we fail to see that no more effective machinery for demoralizing a whole people could possibly be invented. "I insist upon it," said a prominent member of the Constitutional Convention of New York in 1867, "I insist upon it that a people cannot prosper whose officers tell lies, and there is not an assessment roll in this State that does not both work and tell lies." I cordially repeat and indorse this declaration.

The subject admits of elaboration and illustration to almost any extent; but the general conclusion to which all investigation seems to lead is, that the rational principle of taxation is to tax but comparatively few articles; namely, visible, tangible property and fixed signs of property — for in this way only can taxes be assessed equitably, uniformly, and economically — and then leave them to diffuse, adjust, and apportion themselves by the inflexible laws of trade and political economy.

### DISCUSSION ON TAXATION.

The Chairman, Mr. Charles Moran, said the whole history of the world showed that the tendency of republican governments in the course of time was to become despotic. The power of a republican government should be limited, and we, living under a republic, should always keep this matter in view. When a majority passed any measure, no personal responsibility was to be attached to any man, the responsibility in that case being spread out among the masses. In reference to what Mr. Wells had said about taxation, it was the Chairman's opinion that the best financial system which any government could pursue would be to reduce the expenditures of the nation to the lowest possible cent, and thereby to raise the smallest amount of taxation on the people. For his part he did not believe that seventy-five per cent. of the expenditures of any government ever created was anything other than a perfect waste. If a tax were imposed to the extent of doing a public injury, then it were better it had not been imposed at all. When you take away from the man who had the industry to produce, the self-control of his labor, and transfer it to politicians, you do that man a great wrong. Rather than that money should be squandered by a government, it were better to have it in the hands of the people, who would distribute it more economically among the community. These questions of financial relations between the people and the government should be carefully examined, with the view to the discovery of the sources of the evil under which we suffer. We have had several schemes of government tried, and still we had no diminution, no reduction in our taxation. There was every day a further interference in the rights of the individual by parties holding political power.

The same rule applied to those in Congress, as well as to those in the State Legislatures and municipalities. He thought it was time for the American people to protest against this. Unless some steps were taken in this direction we would have terrible times in endeavoring to correct an evil which was a reproach to republican institutions. We have never had a republic but the government became more despotic than the most despotic of despotisms by reason of the unbearable domination of a majority. A despot or two can be supported without the crushing out of the minority. Precisely to the extent in which a republic exercises its power is it the worst form of government in existence. When a majority oppresses, no one man is responsible, and a majority is the most domineering and brutal of created powers. And again I must most heartily indorse Say's theory that the best financial theory for any government is to reduce expenditure to the least possible cent.

Mr. J. V. L. Pruyn, of Albany, said: —

It is true that Government may contribute wisely and judiciously to public enterprises, and while I agree with Mr. Say, I think his opinion is fairly open to the modification Mr. Wells has mentioned. In New York, as a rule, the capital of all corporations is assessed at par. Assessed corporations meet us on every hand, and if you remember how much of the property of the State is invested in corporations, you will conclude that the personal property of the State is assessed on an absolute valuation quite as much at least as the real property. I admit, however, that we may do and ought to do much to correct inequalities; but I think the animadversions from time to time — I do not mean to-night — indulged in in regard to the assessors of the State are, as to many of them, unfair.

Mr. Pruyn remarked further that he thought the best way to support the Government — insuring enconomy and simplicity — is to establish a poll-tax by which each member of the community is called upon to defray his portion of the expenses of that community in one single payment, or a payment in installments. That would direct the attention of every man to what the Government was doing and what its expenditures were. Such a result was hardly to be hoped for in this generation, and therefore the proposition of Mr. Wells, that taxation should be confined to the smallest number of articles, was one essentially sound, and in which he entirely concurred. It will be very difficult indeed, he concluded, to fix upon any scheme which will work out a very much better result than the present, comparing personal property with real property, unless it be some arbitrary scheme such as that proposed by Mr. Wells in his report to the Legislature of New York. In one case I recollect he assumed that a person paying $2,000 a year rent should be considered as worth $10,000 of personal property. But this rule would work out an unfair result in many cases.

# AMERICAN RAILROADS.

A Paper Read by Gardiner G. Hubbard, Esq., of Cambridge, Mass. May 20, 1874.

The railroad is the expression of the vital force of the 19th century. For thousands of years the world had been plodding over beaten ways, climbing mountains, toiling through valleys, fording streams, when suddenly the thought and study and knowledge of many generations burst into life, and Mr. Stephenson's little "Rocket" astonished mankind. The locomotive threw open vast regions of country until then inaccessible, and gave such an impulse to civilization, commerce, and education as had never before been known. Our own West long and patiently waited for its coming to bring life to her desolate places, to cultivate her fertile prairies and send forth her produce to feed the millions.

Scarcely a generation has passed since the first railroad was built, between Liverpool and Manchester. It was nearly completed before it was decided by what motive power the cars should be propelled. A prize was offered for the best engine which could move a given weight ten miles an hour, and of several that were constructed, that of Mr. Stephenson was the only one that could accomplish the task. In our country travel was then by stage coach, and the mail was generally carried on horseback. Now, not only is nearly all travel by rail, and not only is three fourths of the mail carried and distributed by railroad, but the supplies of our daily and multiplied wants, our very food and clothing, our books and papers, are brought to us over these iron roads. Every man, woman and child pays a direct tax to them. Before the construction of railroads, settlements, schools, churches, court houses, markets and post-offices succeeded each other; now the railroad opens new territories, telegraph and post-offices are the first buildings, and population follows. The rapid development of our country is due almost entirely to our railroads. When the farmer depended upon water communication to carry his produce to market, only the land which bordered on the streams and canals was of value. The inducements to emigration were few, and our richest lands uncultivated. Our railroads have opened vast tracts of fertile prairie land, and have developed the mineral wealth and rich resources of our country, attracting to us the enterprising and industrious of all nations.

Our fathers feared that our country would be broken in pieces through the vast extent of its territory and the diverse interests of its different sections. But 75,000 miles of railway tracks bind together these different sections by ties stronger than iron, bringing them into constant social and business relations, and making the very diversity of interests the bond of a closer union. California, formerly separated from us by over a month of time, is brought within a week of the most distant part of our country, or nearer than New York and Chicago were thirty years ago. Teas from China and Japan cross the Rocky Mountains to the valley of the Mississippi, while fruits from California are daily delivered in the markets of the East. Year by year the mileage of the railroads increases in an almost geometrical ratio; new roads are constructed and the country becomes more and more dependent upon them.

But, while our railroads, built by private enterprise, and with private capital, and controlled by private corporations, have thus developed our country much more rapidly and efficiently than could have been done by Government, they have gradually, by extensions, consolidations, and combination, acquired such enormous power that they who should be the servants of the people are becoming the masters.

England is the only other country which has relied solely on private enterprise for the construction of its railways. The system being the same, similar results have followed. As the railway system was more rapidly extended there, it more quickly developed the evils incident to it. When it become evident that it was the policy of the companies to amalgamate rival and connecting lines, and to partition the whole of England into a few districts, each controlled by a single corporation, and thus to monopolize the entire business of the country, the attention of the people and of Parliament was aroused and measures were at once taken to prevent it. Time will show how far these efforts of the people are successful. Nearly three thousand laws have been enacted by the Parliament of Great Britain relating to railroads, many of them seeking to control these corporations and regulate their charges, but thus far with little success.

Before the introduction of railroads, competition was a sure and never-failing check upon exorbitant rates and insufficient facilities. It was within the means of a few individuals in almost every place, to establish an opposition line of stage coaches and the benefits from the reduction of rates and increased accommodation, shared by them equally with the public, was generally an ample compensation for the risk incurred.[1]

[1] In 1800 the Post-Office Department established a mail stage between Philadelphia and Baltimore, the entire outlay for which was $10,567.37, and the estimate of the Postmaster-General for a line from Portland, Me., to Louisville, Ky., 1,424 miles, was $101,357.

But in the construction of an opposition line of railroads, so large an amount of capital is imperative, so great is the risk of losing the whole investment, and so many are the private interests involved, that competition is almost impossible. Even if the line is built, the fear of loss through competition, and the temptation to monopolize the *whole* business at high rates, by combination with the rival line, soon becomes irresistible and the result to the public is increased charges to cover the expense of two roads and pay the interest on a doubled capital. Committees of the Parliament of Great Britain, and of the Congress of the United States, have considered this subject, and both agree that the public cannot look alone to competition between railroads to secure the public welfare against the undue prominence of private interest.

In Great Britain and many of our own States, laws against the combination and amalgamation of railroads have been passed, but have invariably proved a dead letter. The power and persistency of self interest has been greater than the intermittent exertions of the public for the general welfare. Our form of government presents greater difficulties in dealing with this subject than that of Great Britain, but on the other hand, the physical features of our country give us peculiar advantages. In the United States every railroad is incorporated by the laws of a State, and a State cannot authorize the construction or control the management of a line beyond its limits. It is only by combination with roads in other States, or by direct authority from the Legislatures, that the through lines are organized which traverse the length and breadth of the country. In the transaction of business between places in the same State, these through lines are local roads, subject to the laws of the State; as carriers of merchandise between two or more States, they are national roads, and Congress alone can regulate commerce among the several States.

Each State government is independent of every other, and to the extent of its power is a complete sovereignty. Congress is also independent and supreme in its sphere and is a perfect sovereignty. Two separate and independent governments are thus established, and between these the power delegated to them by the people is divided.

The State governments had absolute power in all cases not delegated to the United States, nor prohibited by the constitution; but they have been shorn of a part of their control over these corporations by the decision of the Supreme Court in the Dartmouth College case, — that in granting a charter to a private corporation, a State makes a contract, by which it surrenders its sovereignty over such corporation and can exercise only such control over it as is reserved in the charter. Again, every railroad by such contract acquires a property in its franchise as well as in the property it may obtain by force of it. The Fifth amend-

ment to the Constitution provides that the "property of no person shall be taken for public use without just compensation." Every reduction in rates made by the authority of a State, which reduces the net profit of the railroad, is a taking of private property for which compensation may be required. The amount of compensation to be paid does not rest upon the discretion of the State, but must be decided by a court and jury; and even if the charter should contain provisions for its alteration, repeal or amendment, still any action under such provision is subject to the Fifth amendment. Although a State may have the right to rescind a franchise, yet all the property of the corporation would remain to be administered for the benefit of the stockholders. This clause cannot give a State the right to compel a corporation to perform whatever service the State might exact. In Wisconsin the State has attempted to regulate railroad rates, without making provision for compensation to the road, it may find that it has no means of enforcing laws, the constitutionality of which is doubtful or denied. Even if the State had the right to stop the running of the roads, it would be practically impossible to do it, for the interests of the people would suffer so seriously that they would be the first to demand that the injunction might be removed and the roads allowed to run again at their old prices.

The child has grown up among us and become a giant, which neither laws nor public interest can bind. The very power which has built up our prosperity and upon which it depends, becomes a tyrant, when it uses our necessary dependence for its own aggrandizement.

Upon the question of the expense of getting its produce to market, depends the wealth of the West, and, in a great measure, the welfare of the East. The West raises annually a large surplus of grain, which increases year by year, as more land is brought under cultivation, and unless the cost of transportation can be greatly reduced, a portion of it must be wasted or consumed for fuel. The East uses the greater portion of this surplus, but there is still a large quantity left for exportation.

England imports several hundred millions of bushels of grain every year and the quantity is steadily increasing. Ten years ago the largest proportion came from the United States; but the Russian government extended its railroads to connect its wheat-growing regions with the ports of the Black Sea, and granted to German companies the right to extend their roads into Russia, thus connecting its Northern Provinces with the Baltic. The opening of these new communications has greatly reduced the expense of transportation; the Russian exports have greatly increased and ours decreased.

The cost of raising wheat on the rich lands of the Mississippi valley

is much less than on the borders of the Black Sea. The land produces more to the acre, is more easily tilled, is of less value, and though labor is higher, yet agricultural implements are used to so great an extent as to counterbalance the cheaper labor of the East. But these advantages, which ought to secure us the control of the market of Great Britain, are lost by the greater distance from the market and the cost of transportation.

The price of wheat is regulated by the supply, and as two thirds of that of England comes from Russia and Germany, these countries fix the price in London. The price in New York is controlled by Mark Lane, and in every Western city and town by the New York market; thus we find the value of the whole product of the West controlled by the supply from the Black and Baltic Seas. Just so long as this continues, the serf in Russia will fix the price of grain in the valley of the Mississippi, and upon this price depends the value of the land and the growth of the Western States in wealth and population. But while the West is suffering from the high rates of freight, it furnishes the greater portion of the business of the railroads. Contractors, managers, and stockholders have made large fortunes, either in the construction of these roads, or in fictitious dividends of stock and bonds, or in speculating in the stock, only rarely in the dividends. The nominal cost of these roads greatly exceeds the actual investment, requiring higher charges to pay dividends than would otherwise be necessary. The people of the West believe that their interests are sacrificed to private gain, and naturally complain of extortion and oppression. To give expression to their views and work out a remedy, they have organized in opposition to these corporations, and have formed Granges in every State and county, and in almost every town in the West. The influence of these associations is already felt in politics. They have shaped the recent legislation in Illinois, Iowa, Wisconsin, and Minnesota, and they may, at no distant day, control the politics and legislation of the country.

While the feeling which has led to the formation of these Granges is not unnatural, and has been mainly due to the action of the railroads, it does not follow that the freight charges have been exorbitant. Many of the Western roads do not even pay the interest on their bonds, and in some States they have never paid any dividends. Rates, therefore, on these roads, cannot be reduced. In 1872, the actual expenses were about eight mills a ton a mile, and the charge only eleven mills a ton a mile, on through freight from Chicago to New York (and are considerably less at the present time), leaving about twenty-seven per cent. for net profit. This is not a sufficient percentage of profit to pay the interest on the actual cost of a railroad. The charges on

local freight are much higher per mile, than on through freights, and if rates were made uniform, as has been proposed in several States, the through freight would be increased.

The average freight charges for wheat, from the Mississippi valley to New York, in the summer of 1872, were $50\frac{1}{2}$ cents per bushel (all rail), and $43\frac{6}{10}$ cents by rail and water. These charges must be reduced one half before we can export grain enough to control the market of Great Britain. This great reduction is impossible under the present railroad system; as these railroads are unable to make the necessary reductions and realize at the same time a reasonable profit, we can hardly expect them to sacrifice their own interests for the public good. But the question remains, How can we get our grain to market?

It is twenty years since the present trunk lines were finished. They were built for local roads, and as local roads are now built, — choosing circuitous routes for the purpose of avoiding grades and reaching business centres, climbing mountains instead of tunneling them, and seeking to save cost in construction rather than in operation. These roads were built in short sections from town to town, by as many different corporations, without any expectation that they would become parts of a great national line. They were subsequently consolidated until they have become among the wealthiest and most powerful corporations ever organized. Their business is divided into two distinct classes, passengers and freight. Six different kinds of trains, each interfering with and increasing the expense of the other, run over them, — to wit: Express, Accommodation, and Local Passenger, Fast, Through, and Local freight trains. Only forty-one trains a day are run on the Pennsylvania Central, forty-four on the New York Central, and thirty-five on the Erie, in each direction.

The difficulty and expense of running even this small number of mixed trains, is so great, that the New York Central have found it necessary to construct two additional tracks by the side of the present ones for freight trains alone. The average tonnage to a train is one hundred and thirty tons; but on a route with grades not exceeding thirty feet to a mile, used for freight alone, two hundred trains per day could be run each way, each carrying with a single engine three hundred tons and running at a uniform speed of ten or twelve miles an hour.

The present trunk roads, though adding constantly to their equipment and to their facilities, are hardly able to keep pace with the increase of business, the normal growth of which is sufficient in every three years to supply to a new road a business equal to that of either of the trunk lines. Nearly eight tenths of all the business on the great

trunk roads is local; the through business, therefore, being of comparatively small importance and the rates much lower, is of less value to the roads. These lines stretch out from New York five or six hundred miles west, then branch north, west, and south, forming a secondary system of roads, and from these, local roads run to every little settlement in the West.

The trunk roads are from one hundred and fifty to two hundred miles, or from twenty to twenty-five per cent. longer than an air-line route between the East and West. A new line could be constructed with reduced and uniform grades not exceeding thirty feet to a mile, over one hundred miles shorter than the existing lines, upon which the operating expenses would be proportionately reduced.

It appears from these facts that a freight railroad can be constructed which could greatly reduce the expense of moving produce; but if one should be built by the present companies, or by new corporations chartered or managed as all our roads have been, combinations will be formed by which the gain from these reductions will inure principally to the corporation, with little benefit to the public. Many plans have been proposed in the different States for regulating railroad corporations, with particular reference to the interests of each State, but without any satisfactory results.

The subject has also been very fully considered by Committees of the Senate and the House of the present Congress. Reports of both Committees, though they differ as to the means to be used, agree as to the inefficiency of the present railroad system, and the necessity of adopting some measure which will bring speedy relief. The Senate Committee believe, —

"That the problem of cheap transportation must be solved through competition, rather than by direct Congressional regulation of existing lines; that competition, to secure and maintain cheap transportation, must embrace two essential conditions, — First. It must be controlled by a power with which combination will be impossible. Second. It must operate through cheaper and more ample channels of commerce than are now provided."

"Railway competition when regulated by its own laws, is always unreliable and inefficient, and invariably ends in combination. Hence, additional railway lines, under the control of private corporations, will not afford substantial relief, because self-interest will inevitably lead into combination with existing lines."

"The only means of securing and maintaining reliable and effective competition between railways is through national or State ownership, or control of one or more lines, which being unable to enter into combinations will serve as regulators of other lines."

The physical features of our country present peculiar advantages for competition by water ways during a portion of the year. The best

cotton, corn, and wheat lands in the world lie in the valley of the Mississippi, which is from three to five hundred miles wide, and nearly three thousand miles long. A moderate expenditure will open the Mississippi River from the Canada line to the Gulf, the Lakes, and river St. Lawrence. A short canal can connect the Mississippi with the Lakes, which would open either of these routes to the whole commerce of the valley for three quarters of the year.

The Senate Committee believe there are four feasible and advantageous channels of commerce to be improved and created by the National Government, — the Mississippi; the Northern line by the Lakes; the Central line by the Ohio, and through Virginia to Richmond; and the southeastern route by the Tennessee, through Alabama and Georgia to the ocean.

The first will open the Mississippi River; the northern line will, if the Reciprocity Treaty is ratified, open a navigable way for vessels of one thousand tons burden through the Lakes, St. Lawrence, the Welland, Erie, Caughnawaga, and Champlain Canals and Hudson River to New York. The other lines will open the Ohio and Tennessee rivers to their head waters, and new ways thence by canals, or freight railways, to the ocean at Richmond and Savannah.

There is no doubt that freight can be moved cheaper on water ways navigable at all seasons of the year, in the channels which commerce naturally takes, than in any other manner; but there are no such ways in this country.

The Tennessee and Ohio rivers run west, while cotton and grain find a market at the north and east, and if these products are carried to the head waters of the Ohio, there still remains a transshipment and land carriage of about four hundred miles. Both the Mississippi and Northern routes are closed by ice during the winter months. Such intermittent channels do not give what is required, a way by which grain can be sent to the best market every day in the year.

The cost of the improvement of the Ohio and Tennessee rivers, and the construction of canals or freight railways from their head waters to the ocean, at or near Richmond and Savannah, is estimated at $90,000,000 for canals, or $55,000,000 for railways. The Committee of the Senate estimate that the freight and charges from Cairo to to Richmond or Savannah, will be twenty and four tenths cents per bushel, and from the Mississippi River to New York, by the northern route, twenty-two cents per bushel, and from the valley of the Mississippi to New Orleans, twelve cents per bushel.

The House Committee agree with the Senate that large appropriations of money are necessary to secure permanent low rates of freight, but do not believe that canals are adequate to the present wants. They report that "the shipments by the New York Central and Erie

Canal are rapidly approaching equality, while the rates are being decreased on railway and increased on canal. Time and certainty enter largely into the calculation by which the shrewd American mind appears to prefer the railroad even at existing rates. For these reasons they believe we must in the future depend, as we undoubtedly do in the present, very largely upon the railway as a chief means of internal commerce."

Canals or railroads to Richmond and Savannah will run across the lines of travel for cotton, and are south of the route grain follows. These termini have neither the capital to handle the grain of the West, nor vessels to transport it to Europe. New York is the great centre of all our foreign commerce; nowhere else can the lowest freights to foreign ports be relied upon, or a ready market for all produce offered for sale. The chief business of railways is and always must be the local trade. On the routes via Richmond and Savannah, there is a small and nearly stationary population and a very limited way business, while the contrary is true, on the line to New York. Until these lines and their terminal points can compete with New York in all these respects, they cannot meet the requirements of the West. The House Committee therefore recommend the incorporation of a company to construct a double-track freight railway from the Mississippi river to New York, with branches to Chicago and St. Louis, and that governmental aid should be given by indorsing the bonds of the company for one half the actual cost of road, the maximum rates of freight to be fixed at very low rates and incorporated into the charter.

The Senate Committee use the following language in reference to this plan.

"One or more double-track freight railways, honestly and thoroughly constructed, owned and controlled by the Government, and operated at a low rate of speed, would doubtless be able to carry at much less cost than can be done under the present system of operating fast and slow trains on the same road, and being incapable of entering into combinations, would no doubt serve as a very valuable regulator of all existing roads within the range of their influence."

There is unanimity in the reports of the two committees in regard to the value and necessity of a freight railroad. It is difficult to understand why the Senate committee gave the preference to the Richmond route. The cost of the canal and slack water navigation by that route, they estimate at $55,000,000, or nearly the same with the freight railroad from the Mississippi River to New York. The freight charges on the railroad will be ten per cent. less than by the canal, with a saving in time of from two to three weeks. The railroad is never closed, while this canal will be frozen at least one month in the year, and much more exposed to interruptions for repairs than the railroad.

The benefits that will result from the opening of such a road to the whole country can scarcely be overestimated. The cost of transporting grain from the Mississippi to the ocean will be reduced one half, which will be equal to a saving of $42,000,000 on the product of 1872. This reduction will enable us to compete with Russia for the supply of Great Britain and give a market for all our surplus. It will reduce the price of bread-stuffs to every consumer in the Eastern States, and in an equal ratio the freight on merchandise and manufactures from the East, and give to both East and West a large home market for their products. It will inaugurate a new system of railways that will continue the development of the West, so auspiciously commenced by the old roads. As our first railroads at their inauguration were liberally aided by the States or National Government, so the same help should be given to this new system which seems so essential to the interests of the country.

All the local and grain-collecting roads are directly benefited by every reduction on through freights, since it increases their business and develops the country. The local business on the trunk roads is increasing with great rapidity and will not be diminished by the construction of the the freight road. The through freight is only a small percentage of the whole, and is carried at a small profit. A freight railroad would divert only a portion of the through traffic from existing roads, and ultimately they must share with the country at large in the benefits of the new road.

The United States formerly aided many roads with grants of land or guaranty of bonds. Probably in every case great public benefits have followed. When these appropriations were no longer required to stimulate the construction of railroads, this policy was changed.

We admit the inexpediency of Government undertaking that which can be performed by private enterprise; but we believe that this is the only way in which the needed relief can be obtained. We have shown that the welfare of the country depends upon a market for our grain; that competition has failed, and must necessarily fail to give relief; that law is unable to reach or control the rates, and that the railroads as at present constructed and managed are insufficient, even at high rates; that new ways must be devised for moving the produce, and that only by Government aid can new routes, whether canal or freight railroads, be constructed and operated at rates that would insure relief.

We have shown that canals and water communications cannot meet our wants, and that only upon freight railways, with low rates inwrought into their charter, as part of the contract and made the condition of Governmental aid, can we rely for the further and full development of our country.

# REFORMATION OF PRISONERS.

A Paper by Z. R. Brockway, Esq., of Detroit, Mich.
Read Friday, May 22, 1874, by H. B. Brown, Esq., of Detroit.

The reformation of prisoners is one of the recognized purposes of imprisonment throughout the civilized world. It is enjoined by the constitution in several of the United States; modern legislation aims at it, and the popular mind quickly responds to the idea. But no practically reformative prison system prevails; much doubt of the possibility of such a system exists, and the importance of reforming prisoners seems undervalued.

The census of the United States for 1870 gives the number of prisoners on the first of June as 32,901, exclusive of those in houses of refuge, houses of correction, and institutions of kindred character; so that the estimate of Dr. Wines, secretary of the National Prison Association, that the prison population is 40,000, is possibly too large. Dr. Bittinger says only 12 per cent. of the offenders get into prison, in which case the 40,000 prisoners are but one eighth of the public offenders, whose aggregate must thus reach 333,000, of whom about 300,000 are abroad in the communities. If, as this calculation seems to indicate, the aggregate of public offenders is contained between the numbers 300,000 and 400,000, then the problem of suppressing, or of measurably preventing crimes may not be an impossible one; and if the average period of the detention of prisoners under sentence in all classes of prisons does not exceed eight months each, then one eighth of all offenders are brought under treatment annually, so that the prison system itself must exert a powerful influence. It is a matter of great importance to society whether 40,000 prisoners, or any portion of them, are annually released with intensified vicious tendencies, or are so reformed as to exert a salutary moral influence among their associates.

There is manifestly an intimate relation between criminal laws and crimes, — perhaps as cause and effect. Not so much an immediate effect as in the general diffusion of a type of mind, favorable or unfavorable to crimes. Doubtless the laws and institutions comprehensively viewed indicate the tone of the people from which they emanate; but is there not a reciprocal effect also wrought upon the character of the people by their laws and institutions? The sanguinary horrors of ancient Roman criminal laws, the cruelty and injustice of feudal laws,

the excommunications, anathemas and degradations of the Canon law, the severity of more modern European criminal codes, and the retributive penalties of our own criminal law, have none of them ever efficiently prevented crimes, to say the least; and it is more than probable that they have contributed to crime; since the mitigation of severe penalties specially noticeable in England during the last hundred years, appears to have produced a quite uniform diminution of the crimes to which they were attached. It is believed that the laws and establishments of a true reformatory prison system, by its silent moral influence, in due time would perceptibly modify the criminal tendencies of the exposed class in society and thus operate to prevent crimes. The reformation of prisoners is important also because it is essential to the adequate protection of society. If imprisonment for crimes may with propriety be imposed, it is for the reason that the offender is dangerous, unsafe, because of some peculiarity of character or circumstance. It would seem therefore but the veriest trifling to release the prisoners from the necessary restraints until the danger is over. The prisoner must either be reformed or remain restrained; else society surrenders the justification for imprisoning at all, stultifying itself by its own act; and, since to imprison all criminals perpetually would entail burdens and wrongs greater than the crimes themselves, the reformation of prisoners becomes the *sine qua non* of protection as well as important for prevention.

The reformation of wrong character is not a well-defined idea in the popular mind, but reformed conduct is readily appreciated. The object of the reformation of prisoners is to secure reformed conduct, and all efforts by the State to reform character must be for this end. There is a popular impression that the criminal impulse is a product of some supernatural spirit of evil pervading the mind, of which the subject is clearly conscious, as well as of the presence of an opposite influence; that a conscious struggle for supremacy ensues between these opposite influences, finally determined by the will in the exercise of absolute freedom. This school believe in retributive, intimidating penalties. They hold that, whatever the moral condition of a man at any time, it is the result of his own volitions. If he is evil he is guilty, and should suffer pain in proportion to his guilt. Another view is that all wrong is irrational; hence a wrong act is evidence of a defective mind, and when crimes are wrought the indication is that the criminal possesses an aberrant intellect. It is further held that his impulses may be unrecognized or uncontrollable, that he may have a false view of his own interests or have no regard for those interests; that he may be possessed of ordinary intelligence and ambition, but having a paralyzed or undeveloped moral sense may be unable to rightly distinguish

moral qualities; that he may be intelligent, properly ambitious and conscientious and yet may commit crimes from imbecility of the will. This view recognizes the agency of hereditary predisposition and of unfavorable circumstances as causes of degeneracy, whether physical, mental, or moral; also the intimate relation between bodily health, mental states, and moral phenomena.

It is affirmed that the prevalence of the first view (all too briefly stated) underlies every prison system that exists, whether in the United States or in Europe, and that any modifications and progress made toward a truly reformative system depends upon the presence of the principles of the latter view and of the practices deduced therefrom.

The reformation of prisoners differ from the reformation of freemen, not in the subjective transformations wrought, but in the means operating to produce them: the citizen remaining under the play of the formative forces of society, while the prisoner's social circumstances are restricted by authority. Unless one has been prone to fall into crime he can scarcely appreciate the counteracting influence existing in society. The struggle for subsistence, while sometimes engendering a strife that culminates in crime, is nevertheless in the main conducive to correct conduct through the forbearance and friendship growing out of mutual dependency. The adage, "Honesty is the best policy," is but formulating the principle that every good sought by dishonesty or other form of selfishness is best promoted by the opposite course, viz., integrity and a just regard for the rights and welfare of others. Actual experience in society should soon show that there is no real advancement in the public esteem, except that based upon respectability, or, in other words, *rightness.* Such are the connections formed in the family and out of it, that there are others to be injured by our misconduct, so that the affections, and even the sentiment of pity, will restrain. This regard for others influencing the life until the benevolent affections broaden, an interest is awakened in society at large, whose wants and woes may win the thoughts to contemplation of the Author, the Governor, the Father of all. These natural, heathful sentiments and moulding influences the prisoner under present systems is mainly deprived of. His daily wants are supplied by the State, and no opportunity is afforded for the accumulation of gains. Thus the first natural incentive to effort is lost, being replaced with the hurtful and usually hateful human authority. Advancement in favor with fellow-prisoners is by bravado and trickery, while favor with the officers is by a sycophantic subserviency, whose practice deteriorates the mind, ultimately driving out that love of approbation which so powerfully influences the citizen. The prisoner is surrounded by no tender ties to be injured or sundered by misconduct; so the force of the affections for good is also

lost. Being excluded from free social intercourse, no interest is maintained in those about him, and his thoughts and aims (if any) become self-centred. The arrest, the trial, the retributive if not vindictive penalty imposed, and the sense of social alienation, tend to breed a spirit of bitterness and antagonism towards society and towards God. Certainly such a system cannot be of practical reformative value; but, on the contrary, unless some new agency is introduced, must actually repress reformations.

Premising that there are many prisoners whose criminality is the result of temporary unfortunate maladjustment of outward circumstances, and who have not yet the "criminal nature," and that reformed conduct for these may be secured by simply improving their situation in society, and that there may be others wholly incorrigible; it may be safely said that certain important subjective changes are necessary to the reformation of the others, who constitute the mass. The natural impulses must be pervaded with the moral sense, be regulated by reason or controlled by the will; in other words, the benevolent emotions must, by some means, be given preponderance over the malevolent affections, or the intellectual faculties must be so trained that true perception of morals shall be had, and also of the real interest of every man, namely, to live right. Or the will must be so cultured as to control arbitrarily, keeping the conduct in accord with statutory law and the current moral sentiment of society.

A somewhat extended observation of prisoners has convinced me that the criminal impulse is not so much a product of intrinsic personal depravity as of undeveloped intellectual faculties or a dormant will; that the proper education of the intellect, revealing to the mind the true moral quality of conduct, does release the apparently enchained conscience, very greatly assisting to produce reformation. With some prisoners it seems only necessary to develop self-control, when the other faculties fall into line and a reform is effected. Every step towards the due adjustment of the faculties of the mind bears fruit at once in modifying irregularities of conduct, and tends to produce the desired propriety of deportment. I have observed instances of radical reform beginning with sudden and violent emotional excitement, stimulating a subsequent increased activity of the reflective faculties and the will. But usually in such cases there has been considerable previous culture of the higher faculties; otherwise such reformations are apt to be ephemeral. Good impulses, clear intelligence and a strong will, constitute a strong character, upon which much reliance can be placed. The reformation of prisoners, then, is to be wrought within their minds by such cultivation of true intelligence as makes possible any habitual, just discrimination, together with a practical development of manliness by the practice of self-control.

The reliance for this difficult and delicate accomplishment is at present insufficient, consisting of

First — The pain inflicted by imprisonment — anguish of mind or body, or of both, supposed to produce penitence;

Second — Compulsory labor, designed to cultivate the habit and love of industry;

Third — The preaching and persuasion of the chaplain, the expected effect of which is, that prisoners shall forsake sin and live thereafter devoted religious lives.

Fourth — Some feeble reliance is beginning to be had upon the kind demeanor of prison officers instead of the usual austerity, upon so-called education (which is but an apology for education), and perhaps an occasional day of recreation, with relaxation of ordinary disciplinary restraint. This is the whole of it.

We need to consider and determine which of two principles shall underlie and inspire our efforts to reform prisoners, viz.: the principle of punishment and religious persuasion, or the principle of cultivation, which includes religion. The prevalence in the mind of the idea of punishment endured to satisfy the law, whether civil or moral law, is observed to be pernicious in its effects; but conscious suffering for remedial ends is of ennobling influence. I know it is held by high authority among theologians that the sense of law with its penalties, supported by an inexorable law-giver and judge, is necessary to the proper restraint of all. There may be much truth in this view, but it is believed that the practical value of such intimidation is limited to exceptional conditions, and among prisoners I have found very different effects upon their conduct towards the rule of the establishment, whether they view penalties as retributive and intimidating or as helpful to themselves, and to counteract, as far as possible, the evil influences of their disobedience upon their associates. Punishment, properly so called, may sometimes be necessary to maintain public order temporarily, but it is in itself an evil, and rarely, if ever, aids right moral development. It is apt to confirm those infirm conditions of head and heart out of which crimes do come. The prophet Isaiah expresses it in the words, "Why should ye be stricken any more; ye will revolt more and more; the *whole head is sick, the whole heart is faint.*" Unless prisoners can be brought to govern their conduct without the use of intimidating penalties, there is little hope of their reformation, for there can be no such certainty of detection and punishment for crimes as to exert a positive influence. There must be a new dispensation of remedial treatment and kindly cultivation coupled with a firm holding of restraint without relaxation.

In mixed society there is great propriety in the use of religious per-

suasion universally, because it is impossible to ascertain the more exact demands of different minds, or to meet the demands when found, with more definite means. But prisoners may be more thoroughly known and particularly treated. There are states of mind, or conditions of character, when the common religious ministrations are more likely to do damage than to prove beneficial. There is a "casting of pearls before swine," a giving of that which is holy to dogs. The value of religious influences rightly applied for reformation, can scarcely be overestimated; but this is not all. There is generally needed among prisoners much preliminary culture preparing the mind for religious influences. Therefore I do not hesitate to say that the principle of punishment and religious persuasions, as at present practiced, is not the best for the end desired, but the true procedure is by cultivation that shall culminate in sound moral or religious development. Now, what is essential to produce better and more uniform results as desired?

1. The principle of reformatory or indefinite sentences which involves, of course, centralized control of the whole prison system of the State, two or three establishments graduated to the proposed treatment, and some authorized supervision of prisoners after their release from domiciliary residence.

2. Based upon the above, some more efficient application and operation of the principle of hope.

3. A thorough system of cultivation, including physical renovation, intellectual education, and moral or religious impression.

The first requisite of a better system, as stated above, is designed to secure the uninterrupted control of the prisoner by a competent governing head, and, since the process is to be wrought within the mind, it must not be disturbed by influences arbitrarily introduced by third parties, nor cut short by the termination of the sentence, repressed by its undue prolongation, or diverted by other hope of release than by due improvement and preparation therefor. This involves such changes in our laws and judicial system, as that the courts shall simply commit to custodial restraint without ordering as to the duration of detention, or the degree of restraint to be maintained, or the particular treatment of the prisoner, but leaving this part of the matter to commissioners or a court created for that purpose, which shall determine from time to time, as each case may require; being governed by the observations of the prisoner to be had while under treatment. It provides means for putting the prisoner upon advancement at once, substantially as under the celebrated Irish prison system of Sir Walter Crofton. It also provides the moral restraints and assistance of an interested and authorized friend to follow the course of the prisoner after his release from confinement. It shuts out from the prisoner's mind the hope of release

by pardon, judicial clemency, or the expiration of sentence, and the dissipating effects of such expectations; presenting, instead, the strongest motive for efforts in accord with the reformatory plans of the authorities, who along with the prisoner are seeking his earliest proper release. Thus the very foundation of a good hope is laid, viz.: that of earnest desire, while the facilities for improvement afforded, must supplement the desire with reasonable expectations, when hope becomes an efficient agent for reformation, and the work of cultivation may progress with promise.

It is a fact not generally known outside of official circles that prisoners are commonly hopeless; by which I do not mean that they are in despair, but rather without any active desire for improvement until it is awakened by some extraneous influence, — a task generally found quite difficult. Doubtless most prisoners who are not, like the beasts, utterly indifferent except to the present, have hope of release from imprisonment, if not by escape or executive or judicial clemency, then by lapse of time and termination of their sentence; and the expectation may assist to sustain them in labor and waiting, without destructive depression. But this is only the hope of returning to their old associates and life with a better chance of escaping detection and imprisonment next time. This hope *must* be supplanted by the better one before any active reformative progress can be made. The system of sentences suggested will be most efficient for this; indeed, it seems the only known agency to accomplish it, and therefore is appropriately first in the requisites of a reformative system.[1]

It is found that even under time sentences, in the occasional cases where the hope of reformation has seized upon the mind, the thought of release relaxes its power gradually, until the prisoner, who is really improving, may be trusted without the common security of bolts, bars, or guards, thus completely supplanting that form of selfishness which in prison leads to the infraction of rules and plans to escape, and in society leads to crimes. I have recently sent off with a government surveying party, in an honorable position, one who, from ignorance of the most primary school knowledge when admitted to prison, has advanced into the higher branches of mathematics and general education, until well fitted for his place; who, while under sentence for ten years, faithfully (during a period of four years) performed the duties of night watchman, alone and unattended, over one of the cellular wings of the prison, with its hundred occupants, availing himself of these night hours to pursue his studies. The hope of becoming a civil engineer

[1] The proper discussion of the indefinite sentence principle and a description of its machinery would of itself occupy the entire limits of a separate paper, and so is passed by here.

has proved a most salutary inspiration for this man, rendering possible the culture he has imbibed in prison.

The operation of hope upon a prisoner's mind I have been able to trace somewhat as follows: The painful desire for release first felt on admission to prison, soon relieved by the expectation of securing it, is after a time lost sight of in the satisfaction of conscious improvement. Then hope needs a new stimulant, which is readily supplied by an opportunity to aid others in prison, and by the hope of usefulness after enlargement. The twofold motive, viz., the desire for personal social advancement and the expectation of benevolent endeavor, now need to be skillfully blended by the manager, when a new and nobler wish for restoration to society will appear. Usually at this point the prisoner will have a depressing sense of the stigma attaching to imprisonment in the public esteem, to be encountered on his release. The best ministry for such a state is personal converse with those who have triumphed over similar difficulties, and the published lives of such men and assurances of aid from a competent source, while the study of the life of Christ as the martyr to the noblest cause, and as revealing the Divine sympathy with all, sometimes gives a sense of the presence, power, and love of God so real that the soul leans on Him —is at rest and strong.

Given, the prisoners held under the reformatory sentence, controlled by a competent central board or court, with suitable subordinates having in charge the several establishments of the system duly graduated, and the supervising agents for those conditionally released, counting upon Divine aid, so far as we are in harmony with the natural order of moral development, then the reformation of prisoners becomes a work of detail whose success depends much upon skillful administration. The administration of a prison or prison system for reformation may be considered under the following heads, viz.: Examinations, Classifications, Medication, Industrial Occupation, Intellectual Education, Moral or Religious Impression, Domiciliary Detention, and Subsequent Supervision.

The Examination of prisoners on admission to prison should be most careful, comprehensive, and minute, ascertaining the circumstances surrounding the particular act for which they are committed, the bodily conditions at the time of it, and the habitual tendencies of mind. This involves a history of the prisoner from his birth, and all possible knowledge of his ancestors for two or three generations. Based upon this examination, Classification must be made, and constantly modified, as experience dictates. No such classification can be based alone upon the crime committed, nor upon the age of the prisoner, nor upon conduct as toward prison rules, nor should it be too

strictly upon the basis of character, good and bad, for sometimes mutual benefits to each are derived from limited contact of divergent characters with each other. A wise classification will combine elements or exclude them in view of all the interests involved, viz., health, government, pecuniary support, security, scholastical instruction, moral influences — the individual interests of each prisoner and of the whole having their appropriate weight. This work, popularly supposed to be so simple and easy, is found practically to be extremely difficult, and there is room here for exercise of the highest human wisdom and the most interesting experiments.

Morbid mental conditions, from which crimes emanate, are often the product of nervous diseases or disturbances produced by unfavorable sanitary circumstances. A skillful physician should apply scientific remedies as may be desirable, but much more than this should be done. The whole matter of hygiene is as important for the moral reformation of prisoners as it can be for the mental restoration of the insane. There have come under my own observation very interesting instances of change in the animal appetites wrought through active and maintained mental occupation, and also of the most palpable effects upon the mind by changes in the quantity and quality of food taken. Of course such observable effects require considerable time to evolve, but every effort of this nature, traceable to a cause, is of importance, and should be duly considered.

The Employment of prisoners in prison for reformative ends should be remunerative and of the highest type possible for them under the circumstances. It must be compulsory when need be, but cannot become an actual agent for good until cheerfully, if not voluntarily, engaged in. I do not believe the prisoner should at first or finally have the option to labor or not, as has been proposed lately by Mr. Alexander, of Missouri. Yet this principle would be incorporated into the last establishment of the graduated series under our system; but, if in any case idleness should develop, the prisoner would be returned to a grade where different inducements to industry inhere. Probably a mixed system of employment under contract and direct proprietorship of the State is best at present. The great lever for lifting prisoners into a higher moral and intellectual atmosphere is their Education, using the term to include a certain degree of moral culture as well as simple intellection. Actual experience has shown that adult prisoners may make three or four times the rate of progress in the same scholastical studies that the scholars in our public schools make, and without interfering at all with the industrial or disciplinary interests of the prison. The minds of prisoners may be so directed and absorbed that there shall be little room or opportunity for those thoughts and

imaginings that constitute its degradation by a proper adjustment of exercises, viz.: study, recitation, oral instruction to them collectively, including lectures which should be often in the natural sciences, that the study and pursuit of these may be induced, "for they furnish a most valuable training of the intellectual faculties through the steps of observation, generalization, abstraction, inductive and deductive reasoning." Of course such instruction must be simplified and adapted to the minds to be taught, but it is believed that increased knowledge of this kind frequently confers an increased feeling of self-respect and of duty and also an increased power to perform it. I have found instruction in music and drawing, the use of prisoners as teachers, the formation of a normal class, and of a literary society, each and all valuable means in promoting reformations.

For moral and religious impressions upon persons, it is of first importance that the officers and every one in authority should themselves be high-toned in this regard. With pure character, a generous, manly bearing, and good common sense, the happiest moral effects may be produced. General religious exercises must be maintained, but of what particular type is not important so that the instruction is rational, sincere, and without bigotry. It is after all the harmony of all these means that is most needed, rather than any particular value attaching to any one over another.

The question, to what extent offenders who are now committed to prison might, under a reformed system, be conditionally released or be better treated without imprisonment, is of inviting interest, but can only be determined by experiment. While there are prisoners in every prison who should never be released, there is on the contrary a considerable percentage of the whole who might be soon restored to society, without public injury, and with advantage to themselves. We are likely to underestimate the absorbent energy of free society. The sum of degeneracy not culminating in crimes is a hideous conception, but seems to be counteracted or neutralized by other influences growing out of individual necessities and relations, so that crimes are the exception and not the rule, as this view would lead us to expect. Imprisonment is but the least of two evils under any system and can never be anything else under the best system to be devised. Hence, it is worthy of inquiry whether there are not many offences and offenders for which and whom imprisonment might not now be abolished? The governor of an important State says, after an examination of the prisoners in the state prison, if it were not for the shock to the public sense likely to ensue, he might safely release one third of the prisoners within sixty days, and with beneficial effect upon all. With power properly lodged for conditionally releasing prisoners,

supervising them somewhat while at large, and for recommitting them if need be, as is proposed under the reformatory sentence plan, there can be no doubt but a sifting process may be carried on among prisoners, sending out those worthy from time to time with salutary effects. But the reformation of prisoners is affected also by their arrest and temporary detention in station-houses and jails, by their trial, indeed by their whole treatment from the moment the law fastens itself upon them, and it would contribute to the success of reformative effort in prison if important reform could be introduced here.

There is great reason to hope that with a proper prison system, supported by the public sentiment, a very large proportion of prisoners may be reformed in the sense in which that term is used in this paper, and that crimes may be somewhat repressed. Such a system cannot be provided in any State until the people at large have more information on the subject and a more decided interest in it. It is cause for gratulation that in this matter the promptings of true public policy and of benevolence both lead to the same practical measures in the treatment of prisoners, for when the humane sentiment of the people supports the statesman the desired reform seems quite within reach.

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## SIR WALTER CROFTON'S LATEST RECOMMENDATIONS.

As a commentary, and to some extent an approval of the above paper, though not bearing directly upon it, we have taken the liberty of quoting from the report of the New York Prison Association, presented to the legislature of 1874, the following paper by the founder of the Irish system, which has been adopted by that Association in reply to the question, "How can the great principles of that system, which work so well in Ireland, be applied in the State of New York without a constabulary or criminal police force, and without reconstructing the prisons and the constituted government of them?" This paper of Sir Walter Crofton will be read with greater interest now, as it obviously suggests a far better method of dealing with the overcrowded and corrupting prisons of New York than the statute to double the amount of commutation of time. By this new statute more than three hundred New York State Prison convicts have been liberated lately without any such preparatory influences as the Crofton system would provide. Though the Prison Association, with its local committees in all the counties and chief towns in the State, will undoubtedly succeed in guiding a great number of these released prisoners into better employment and safer surroundings than those of the prisons, it certainly is to be regretted that the legislature did not adopt a plan like that here suggested.

THE LETTER AND MEMOIR.

WINCHESTER, ENGLAND, *November* 23, 1873.

*To Dr. Elisha Harris, Secretary of the New York Prison Association:*

MY DEAR SIR,—I send you a brief memorandum which may be of some use. I write it on the assumption that supervision will be accompanied by improvement in the prisons, for otherwise I fear there will not be much advantage. The plan I have sent you, although crude, is sound in principle and will lead to better things. I commenced my own labors in overcrowded prisons in some such simple way. You are, of course, aware that our police are allowed to delegate the receiving the reports of conditionally liberated convicts to other competent persons, such as agents for discharged prisoners, ministers, etc.

Yours very truly, WALTER CROFTON.

MEMOIR.

I. In writing this memoir I take it for granted that the convicts to be liberated on certain conditions before the expiration of their sentences, and placed under supervision, will be only so liberated as the result of recorded good and industrious conduct in prison; for, without an improved prison treatment, very little, if any advantage can be obtained by "supervision."

II. It is stated that in the six penitentiaries and three State prisons of New York, there are 5,500 convicts, and that the crowding of some of these prisons is so excessive as to endanger both discipline and health.

III. So long as this state of things is allowed to continue, it will be clearly impossible to carry out improvement, and it will therefore be well to consider whether some steps might not be taken which would remedy the overcrowding, and at the same time be the means of gradually introducing sound principles of prison treatment.

IV. The abbreviation of the sentences, when permitted, should be made to depend on well-tested and duly recorded good and industrious conduct in prison, subject, of course, to exceptional crimes which, for example's sake, could not be so dealt with.

V. Now, in the state in which the prisons are represented to be, the best of conduct and industry which should govern the early liberation of the criminals will, no doubt, in the first instance be crude. A certain number of long sentenced prisoners would be selected for general prison good conduct, and informed that if within the *next six months*, or some other more convenient probationary period, they proved, by well tested and duly recorded good conduct and industry, deserving of the privilege, they would be liberated (conditionally as to good conduct when at large) a year, or any other period decided upon, before the expiration of their sentences.

VI. The probationary period of six months is, of course, a crude proposal caused by the gravity of the present state of things in order to remedy the overcrowding. The same motive power to improvement should ultimately be made to apply throughout the sentence from its commencement by a graduated scale of remissions arranged on a systematic plan.

VII. In adopting this course it would be well to arrange to place the selected men in a special part of each prison, so as the better to be informed with regard to their individual circumstances. I believe that a sort of coöperation with the authorities would be the result, and the subsequent supervision of those liberated become more practicable and effective.

VIII. The prisoners should be liberated upon such conditions with regard to bad associates and their general conduct, when at large, as would reasonably deter them from pursuing a criminal life. They should be obliged to report themselves monthly, and be prepared to prove their means of livelihood, etc. The prisoners should be thoroughly informed as to their liabilities, previous to their liberation, and that a forfeiture of the conditions upon which they are released would cause a reconsignment to prison.

IX. If the constabulary are distributed in such a manner as to render supervision by them practicable, it would be better that special and responsible officers of the force should be selected for the purpose. Otherwise, special agents might be appointed, or advantage taken of the magistracy, or of some minister in the locality, willing to act for the purpose. It would be well to call on the prisoners before liberation to name persons in their localities likely to befriend them; and then to arrange with competent persons a supervision of a friendly character to the well-doer, but at the same time of a nature which will restrain the evil-disposed by compelling them to observe the conditions upon which they have been liberated.

### OUTLINE OF A PLAN.

Probationary test, supposing six months to be the period entitling to remission of sentence. This is very simple, and will realize itself to the minds of the criminals.

Each day's work, if very satisfactory in amount, to entitle the prisoner to one mark.

If six months is the probationary period, he would have to earn one mark daily, or in all 182½ marks.

Each day that the mark was missed, the prisoner would be delayed another day from his liberty.

The marks for industry to be only given on the assumption that the conduct is also good.

It will be observed that even by this crude plan a prisoner will realize that his progress to liberty will depend upon his own exertions.

Some care will be required in recording the marks, which should not be given for skill, but for industry. Yours,

WALTER CROFTON.

### THE CROFTON, OR IRISH CONVICT SYSTEM.

To supply additional suggestions concerning this subject, we may perhaps venture to quote from the report on Prison Discipline, made to the St. Louis Prison Congress, May 14, 1874, by the chairman of the standing committee on that topic, in the National Prison Association. This report says: —

It is not yet two centuries since the first rude semblance of a system of prison discipline, as we now understand the phrase, was put forth in theory (hardly in practice) in the city of Rome, and by the wisdom of its pontiff, then Clement XI. This townsman of Raphael, when new to the papal office, caused to be inscribed over the portal of his new prison in 1703, the sententious maxim which Howard afterward adopted as his own: *Parum est improbos coercere pœna, nisi probos efficias disciplina* — "'T is idle to coerce the bad by punishment without making them better by instruction." This is the key-note of all the subsequent discussions of prison reform, from Beccaria and Howard, Bentham and Livingston, to Crofton and Brockway, the best living demonstrators of a science somewhat older and far simpler, but much less understood, than the science of chemistry. John Howard and Sir William Blackstone echoed it in 1779, when they wrote in the preamble of an act of Parliament their hope of "not only deterring others from the commission of crimes, but also of reforming the individual;" and in the hundred years that have since passed, this sentiment has found utterance in the penal codes of every civilized nation. To put it in practice has been found more difficult than to utter it; but various systems have been ingeniously framed and earnestly administered for the purpose of combining reformation with punishment. Of these systems the late Senator Sumner (who in his early career was an enlightened and earnest prison-reformer), writing in 1845, mentioned three as having been in force during his life-time: The *Solitary*, the *Separate* (or Pennsylvanian), and the *Congregate* (or Auburn) systems. But he added, with that rare foresight which made so many of his utterances prophetic, — "Perhaps the Separate system might be modified, so as to admit instruction and labor together, in a small class, *selected after a probationary period of separation*, as specially worthy of indulgence and confidence." Such a modification, he adds, was recommended by Edward Livingston in 1827, — and such the Irish intermediate prison at Lusk has for nearly twenty years exemplified in practice. And the Irish, or Crofton system of prison management, which has grown up since Sumner wrote, is now superseding both the Separate and the Congregate systems, out of which it grew, and of which it is a combination in their better elements. The Separate system still succeeds in several of the best European prisons, and it nominally prevails in many of

the Pennsylvania prisons; but in the greater part of Europe and America, the Congregate system, either that of Auburn or one more lax, is in common use. It is the latter which the Crofton system ought immediately to replace in America.[1]

In spite of many doubts raised against it, and some inherent or avoidable defects, I believe the so-called Irish, or Crofton system, to be the best for our American prisons, — and this not only for the State prisons and penitentaries, but for those of all grades. Of course, the whole machinery of the mark system, intermediate prison, preliminary separation and ultimate ticket-of-leave, cannot be worked in guard-houses and station-houses, where the prisoners spend but a few hours of the night or the day. But the spirit of the Crofton system will apply to long-sentenced or short-sentenced persons, — to jails, "lock-ups," workhouses, and all other prisons where men and women are shut up, and I shall be much mistaken if we do not, within a few years, see it so applied in some of the States of our Union.

What is now needed more than any one thing in American prison discipline, is the centralization of all the prisons of one jurisdiction, by placing them all under one control and inspection. The prison system, like the school system of a State, should be a consistent adaptation of one grade of prisons to every other throughout the whole jurisdiction where the same authority nominally prevails. Not that prisoners, like pupils, should graduate upward from one school of crime to another, until they finish their criminal education on the scaffold, — though this is not seldom the result under present circumstances. One of the most atrocious murders in New England, a few years ago, was committed by a criminal who began to be arrested and lodged in the station-house before he was twelve years old; who proceeded from the station-house to the reformatory prison, from the reformatory to the house of correction; from the house of correction to the state prison; from the state prison to the army in time of civil war; from the army to the house of correction again; thence to the scene of his crime, which, when detected, led to his return to the state prison, whence in due course of time he was led out for execution within the prison yard. Here the steps in crime and in punishment were so exactly timed to each other, that this murderer's career seems almost like the gradual education which leads the youth from the primary to the grammar school, thence to the high school, the college, the professional school, in due succession, until at last he takes his degree, an accomplished lawyer, physician or other professional man. But it is no such grim satire on the term "prison discipline" of which we are now speaking; but rather of such a gradation of prisoners as shall exclude from each higher stage those who have passed through and been benefited by the lower prisons. That would be the ideal system which would dismiss forever from the minor prisons those who had been instructed in a reformatory, and would exclude from the state prisons those who had undergone the milder penalties. And the nearer we can bring these different classes of prisons under one general management, the

[1] Perhaps it is strictly just to give this system (commonly known as the Irish Convict System) the name of Sir Walter Crofton, since it was first reduced to a permanent and feasible form by him. But the man of genius by whom it was invented was Captain Maconochie, who preceded Crofton by more than a dozen years.

more effective shall we find their deterrent and preventive power, now confessedly so small. Naturally enough, we see the best examples of this centralization of prisons in the smaller States, and perhaps Rhode Island comes nearest to what is spoken of. In the year 1873, however, the State of Maine passed a law which has greatly simplified the management of its local prisons, and is worthy of imitation elsewhere. The power to employ convicts in the county prisons of Maine, and to transfer them from one of these sixteen prisons to another, is now vested in the three inspectors of the state prison at Thomaston; so that, practically, all the Maine convicts, except the boys in the state reformatory, are under one board of control. The results, pecuniary and moral, are declared to be good, and after a longer trial of the new system they will doubtless be still better.

The primary prisons, properly speaking, should not be reckoned the houses of arrest and detention, but rather the reformatories to which young offenders are sent for months or years. Guard-houses and jails are the way-stations and waiting-rooms in which crime is temporarily checked, but not systematically dealt with as crime; they are the mere vestibules of the prison-house of a community. In the truant-school and the reformatory we enter upon the prison-house itself, — the lower stories, above which are the houses of correction, workhouses and penitentaries, or State prisons, — "convict prisons," as they are termed in England and Ireland. And it is interesting to observe, — especially when the observer, like the present writer, favors the application of the Irish or Crofton system of prison discipline, — that in the lower and the upper stories of our three-story prison system, the method of Maconochie and Sir Walter Crofton has already made an entrance and established itself quietly and gradually. In the State prisons the "commutation laws," by which sentences are shortened for good behavior, are the entering wedge of the new system; followed rather feebly, as we see by the efforts, public and private, to provide for discharged prisoners, not yet, as in Ireland, under strict police supervision. In the reformatories the whole discipline aims, and has long aimed, at what the Crofton method seeks and in some degree accomplishes.

# THE DEAF-MUTE COLLEGE AT WASHINGTON.

A Paper by Dr. Edward M. Gallaudet, of Washington, D. C.
Read May 22, 1874.

On the 8th of April, 1864, Abraham Lincoln, then President of the United States, signed the following Act of Congress: —

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:* That the Board of Directors of the Columbia Institution for the Instruction of the Deaf and Dumb and the Blind be, and they are hereby authorized and empowered to grant and confer such degrees in the liberal arts and sciences to such pupils of the Institution or others whom, by their proficiency in learning, or other meritorious distinction, they shall think entitled to them, as are usually granted and conferred in colleges; and to grant to such graduates diplomas or certificates, sealed and signed in such manner as said Board of Directors may determine, to authenticate and perpetuate the memory of such graduation.

When this act was before the Senate for consideration, its passage was objected to on the ground that the measure proposed was without precedent. A distinguished Senator opposed the bill, because "it would empower this institution for the education of deaf-mutes to confer degrees in the arts and sciences the same as in Harvard University or Yale College." Another prominent Senator said: "I think it will rather make the institution ridiculous to give it the power to confer literary or scientific degrees, whereas I think it would be very proper to give it the power to confer some degree that may be framed or invented for the deaf and dumb."

But there were Senators who well understood the purpose of this Institution to establish a department of so high a grade that its graduates might properly receive degrees in the arts and sciences.

These gentlemen explained to the satisfaction of the Senate, what was intended to be done under the operation of the pending bill, and it passed without a dissenting vote. The House concurred in the action of the Senate without objection, and with the signature of the President the first chapter in the history of this College was completed.

Two months later, public exercises were held, in which the purpose and objects of the Deaf-Mute College were fully set forth, and within four days thereafter, Congress made an appropriation for the enlargement of the grounds of the institution. In September of the same

year, the College began its educational operations with seven students. Private benevolence supplemented the liberal action of Congress, and there was no lack of means for the prosecution of the novel undertaking. Doubts were, however, expressed as to the practicability of affording collegiate education to the deaf and dumb, and many who did not question the feasibility of the enterprise, were quick to ask: "*Cui bono?*"

As the work of the College advanced, and its numbers increased, the appeals made to Congress in its behalf called forth serious and sometimes violent opposition, this amounting, in 1868, to a prolonged effort on the part of the then leader of the House of Representatives to destroy the entire institution. But the sympathy and judgment of Congress was not with the enemies of the College. In every struggle, the enlightened and liberal counsels of its friends prevailed, and each session of Congress that has passed since the foundation of the College, has set its seal of unqualified approval on its work.

It is the object of this paper to present, briefly, the results of the ten years of labor and support which have been accorded to the Deaf-Mute College by its friends, in and out of Congress.

Situated within a half hour's walk of the Capitol, the grounds of the institution have been enlarged from two acres to one hundred.

Handsome and substantial buildings have been erected, and adequate means have been provided for the employment of a competent faculty of professors and instructors. Provision has been made for the assistance of poor students to such an extent that hitherto no worthy applicant has been denied admission. The seven youths who sought admission ten years ago, have been followed by one hundred and ten others, these representing twenty-five States and the Federal District New England has sent twenty-six, the Middle States twenty-four, the South twenty-six, and the West forty-one; so that it is almost in exact proportion to the population of the several sections of the country that. the benefits of this single College for deaf-mutes have been distributed.

And if it is asked: "What are these benefits?" it may be replied: They are such advantages for mental and moral culture as are offered to hearing and speaking youth in their higher seminaries and colleges. The curriculum of study comprises the higher mathematics; the Latin, French, and German languages; the elements of natural science, including Chemistry, Botany, Astronomy, Geology, Mineralogy, Physiology and, Zoölogy; a full course of English philology and related studies; with ancient studies and modern history; not omitting proper attention to mental, moral, and political science.

It is too early to estimate the full advantages that may be credited to the labors and outlays of the first decade. But even the partial results that are apparent may be taken as affording a rich and encourag-

ing return. Twenty who have gone out from the College, have been engaged in teaching. Of this number, thirteen are now occupying positions as instructors in the several institutions for deaf-mutes in Connecticut, Ohio, Illinois, Iowa, Minnesota, Nebraska, Mississippi, Tennessee, Maryland, the District of Columbia, and the province of Ontario, Canada.

Two graduates of the college have become editors and publishers of newspapers. One in Massachusetts, and one in Washington, D. C., while three others have taken less prominent positions connected with journalism. Three have entered the civil service of the government; one of these having risen in less than four years from a clerkship of the lowest rank to a position of no less prominence and importance than that of a Principal Examiner in the Patent office.

Another graduate, while filling a position as instructor in a western institution, has done important service in the Coast Survey as a microscopist. Two have taken places in the faculty of their *alma mater*, and are rendering valuable returns as instructors where they were students but a short time since. Some have gone into mercantile and other offices; some have undertaken business on their own account; while not a few have chosen agricultural and mechanical pursuits, in which the advantages of thorough mental training will give them a superiority over those less educated.

Six have been called to pass from the life that now is to that which is to come, and all these left behind them bright evidence that they appreciated the true issue of earthly living.

One of these sainted alumni, stricken down during the last year of his college course, and who would have graduated with the highest honors had his life been spared, wrote to his sister, a fortnight before his death as follows: —

"It will take away half the bitterness of death to have been allowed to learn something: to have obtained one glimpse across the hills and valleys away off into that promised land of perfect knowledge, perfect love, perfect purity, where men no longer 'see through a glass darkly.' For such I take to be the result of study: the more one learns, the closer is he drawn to all things holy."

The College for the deaf and dumb is no longer an experiment. Greeted at its birth by some with questioning doubts, and by others with derisive contempt, it has proved not only that deaf-mutes are capable of high intellectual culture, but that having secured it, they may successfully compete with hearing and speaking persons in positions from which they were formerly supposed to be shut out by reason of their infirmity In estimating the results to be credited to the first decade of an institution such as we are considering, the most important fact of all is, perhaps, the insurance of its probable perpetuity.

The foundation of the deaf-mute College, using the term in its broad sense, rests upon the good faith of the nation itself. Representatives of our States and people, in five successive Congresses, have pledged the government to its support. Philanthropic and benevolent citizens have given promptly and cheerfully when called upon to contribute in its behalf. And there seems to be due warrant for the belief, that so long as deaf-mutes are found in the community, the college at Washington will be able to extend its benefits to youth from all sections of the land, who, but for its open doors, would be forever debarred from participation in such educational advantages as are freely accorded to our speaking young men and women in our higher seminaries, colleges and universities.

It may perhaps be inferred from the name *deaf-mute*, as applied to the College at Washington, that only those are received and taught who are actually *deaf* and *dumb*.

It is true that all its students are deaf; but many have fallen under this disability after having acquired full control of their vocal organs, and these possess a vivid recollection of all the varied phenomena of sound. Such persons are often termed *semi-mutes*, and their condition calls for even a livelier sympathy than that of those who have no means, in their own consciousness, of measuring the extent of their deprivation.

One of the recent graduates of the college, who had heard perfectly until his eleventh year, and who had cultivated music to some extent before becoming deaf has expressed the condition of such as himself in lines which may serve to show that the deaf are capable of poetic expression even when music remains to them only as a memory.

"They are like one who shuts his eyes to dream
Of some bright vista in his fading past;
And, suddenly, the faces that were lost
In long forgetfulness before him seem.
The uplifted brow, the love-lit eyes whose beam
Could ever o'er his soul a radiance cast.
Numberless charms that long ago have asked
The homage of his fresh young life's esteem;
For sometimes, from the silence that they bear,
Well up the tones that erst formed half their joys,
A strain of music floats to the dead ear,
Or low, melodious murmur of a voice,—
Till all the chords of harmony vibrant are,
With consciousness of deeply slumb'ring powers."

# THE PROTECTION OF ANIMALS.

By George T. Angell, President of the Massachusetts Society for the Prevention of Cruelty to Animals.

If the time allotted to this paper were longer, I should be glad to speak of many matters relating to animals, worthy of thought, which for lack of time I shall not be able to discuss; as, for instance, their intellectual qualities, the languages by which they communicate their thoughts to each other; well authenticated instances in which they have exhibited a high degree of reason, and a keen perception of right and wrong; the belief of a large majority of the human race in their immortality, which belief has been advocated by many of the most eminent Christian theologians and scholars, including such men as John Wesley, Jeremy Taylor, Coleridge, Lamartine, and Agassiz.

The rise and progress of societies for their protection; the kind treatment they generally receive in Oriental countries; the fallacy of that doctrine that they were created solely for man, and not for their own enjoyment; all these topics of interest I should be glad to discuss, if there were not other and more important ones, sufficient to occupy the time allotted me. I should be glad to give some of my own European experiences in regard to the kinder treatment of animals there; to speak of the hard, smooth roads which I found all over Continental Europe, even in the highest passes of the Alps; how over a large portion of Europe carriage horses are not only exempted from check reins, but are also permitted the same use of their eyes which we give to saddle horses, cavalry horses, and artillery horses going into battle; how in European armies slaughterers are attached to each ambulance corps to kill horses badly wounded in battle, instead of leaving them, as we did, to die of starvation; how, in four months' residence at Paris, I never saw an omnibus horse unkindly treated, and only one case of overloading; also about European hospitals for sick animals, and temporary homes for stray ones; or, on the other hand, I might give you a picture of the wrongs inflicted on man's most useful servant, particularly in old age, which led the eloquent Ruskin to exclaim: "Has any one ever looked up to Heaven, with an entire understanding of Heaven's ways about the horse?" As illustrating these wrongs I will simply say, in passing, that the officers of the Mass. Society P. C. A. during the last year investigated nearly two thousand cases of cruelty to horses.

I should be glad to speak of the shepherd dogs of Scotland, and the Newfoundland and the St. Bernard, and the rich men's dogs that protect their masters' houses, and the poor men's dogs which are their masters' friends; or I might read to you an hour about the birds, without which, because of the wonderful fecundity of insects, Michelet declares "that man could not live." I shall only have time to say in regard to them, that in the report of the Mass. State Board of Agriculture, for 1873, you will find, first, that the annual loss to crops by insects, in the United States, is estimated at about four hundred millions of dollars; and, second, that a large proportion of this loss might be prevented by the proper encouragement and protection of small birds, and their nests; and that for the want of this encouragement and protection American birds are decreasing, and insects increasing.

But in the space allotted me I can only put before you some of the conditions, in this country, of animals that supply us with food; the bearing of those conditions on public health and morals; and the means by which those conditions may be changed.

### TRANSPORTATION OF ANIMALS.

On the 16th of April, 1871, George E. Temple, a Brighton butcher, died, as appears from the verdict of the coroner's jury, of "blood poison, inoculated in dressing for market a dead ox, one half of the meat of which was sent into Boston for sale." On the 20th of April a joint special committee of the aldermen and common council of Boston was appointed "to ascertain whether unwholesome meats were sold in that city."

Five months afterwards the report of that committee, containing the official reports and testimony of state cattle commissioners, railroad commissioners, boards of health, and physicians, was published by the city government. By this report and the various official reports and evidence therein cited and contained, as well as by other official reports and evidence more recently published, it appears, —

1st. That our Eastern markets, in both cities and towns, are largely supplied with the meats of diseased animals, and to some extent with the meats of animals that have died of disease; 2d, that the eating of these meats produces disease in those who eat them; and 3d, that it is impossible to detect these meats after they have been dressed and put into the stalls.

If there were time I might read you pages of details of the manner in which animals are transported from the plains of Texas to the Atlantic coast, but they may be all generally summed up in the statement of Dr. Derby, Secretary of the Mass. State Board of Health, in his annual report for 1874, just published, "that the transportation of animals in this country, at present, is, in the main, barbarous and infernal."

From seven to eight millions of these animals, cattle, sheep, and swine, are thus brought annually from the West, to supply, not only our cities and larger towns, but also a large portion of our smaller towns with meat.

It is estimated that about six per cent. of cattle, and about nine per cent. of sheep and swine, nearly 600,000 in all, annually die on the passage, and a large portion of these are sold in our markets, either as meat, or rendered into cooking lard; while the cattle that get through alive, for the want of food and water, and by reason of the cruelty inflicted upon them, after losing on the average, in transportation, nearly a hundred pounds each in weight, from the most juicy and nutritious parts of the meat, come out of the cars full of fever, and many with bruises, sores, and ulcers; and these, together with smaller animals, to which the loss and suffering is, in proportion, equally great, are all sold in our markets for food.

These cruelties are not confined to Western cattle and long routes, but are inflicted, to a greater or less extent, on almost all animals transported to market; as, for instance, some time since, I read in the "Boston Journal," that out of 125 live lambs shipped from Vermont to Boston, in a single box car, 121 were taken out dead.

### EFFECTS OF CRUELTY UPON THE MEATS.

What effects have these cruelties upon the meats?

The Board of Health of Chicago, in February, 1871, reported that "nearly one half the beef, pork, and mutton, offered for sale in that city, was diseased, and unfit for food."

The Cattle Commissioners of New York, in their Report of 1869, say: "It became apparent to the Metropolitan Board of Health, in New York city, that the alarming increase of obstinate and fatal diarrhœa in the metropolitan district, was caused by the use of diseased meats." And they add, that "not only do Western cattle lose a hundred pounds or more per head in transportation, but the tissues of their entire systems are turned into a feeble, disordered, and feverish condition."

The Massachusetts Railroad Commissioners in their Report of 1871, say that these meats endanger the health of our people.

Professor Agassiz says: "Let me call your attention to the dangers arising from the ill-treatment of beef cattle before slaughtering them."

Medical Inspector Hamlin, in his "Notes on the Alimentation of Armies," says: "The flesh of mammalia undergoes great change, by reason of fasting, disturbance of sleep, and long continued suffering, resulting in its not only becoming worthless, but deleterious."

In 1866 it was found in New York that hogs were killed by feeding upon the blood and entrails of animals diseased by transportation,

although they will fatten on the same material taken from healthy animals; and on the 16th of April, 1871, as I have stated, a Brighton butcher died of "blood poison, inoculated in dressing for market a dead ox, one half the meat of which was sent into Boston for sale."

### CAN THESE MEATS BE DETECTED IN THE MARKETS?

Professor Cameron of Dublin says that "the flesh of oxen in the congestive stage of pleuro-pneumonia cannot be distinguished from that of healthy oxen."

The Board of Health of Chicago, in their Report published in 1871, speaking of the Texas cattle fever, say: "As a general rule, it was found impossible to decide by the appearance of the carcass, after the viscera had been removed, whether it was fit for market or not."

Dr. Derby, of the Massachusetts State Board of Health, says: "There can be no approach to certainty in the recognition of the meat of animals which had been sick at the time of killing, or which have been brought to the slaughter-house dead."

Horace W. Jordan, member of the Brighton Board of Health, also one of the Massachusetts State Cattle Commissioners, testifies before the Boston committee that "when the meat is examined here, it is almost impossible to tell whether the animal was diseased."

And Professor Gamgee states in the Edinburgh "Veterinary Review" of May, 1863, that he has known diseased cattle slaughtered, the beef of which had the appearance of being the best beef that a butcher can show; and yet pigs, dogs, and ferrets died from eating it, and horses died from drinking water into which the blood of one of these animals had run.

From these facts it appears that cruelty to animals avenges itself upon the consumer, and that we shall never be secure against disease from eating poisonous meats until animals are transported without cruelty; as they can be with little loss of weight, greater profit to railroads and everybody concerned, and complete protection to public health.

It was estimated at the Social Science Convention at Albany in 1869, that Texas cattle which then sold in New York market for about $100, could, with proper transportation, be sold there for about $40.

### SLAUGHTERING OF ANIMALS.

Another subject. It is estimated that from sixty to one hundred millions of cattle, sheep, and swine, are killed in this country every year for food; probably more than two hundred thousand a day.

How do they die?

As in that merciful European slaughter-house described by Sir

Francis Head, and others; full fed and rested, under the inspection of government officers; in a place kept clean by the constant flow of water, without foreknowledge and without pain; or are they dragged, half-starved and frantic with terror, by a rope, or rope and windlass, into bloody slaughter-houses full of the signs of butchery?

In the light of medical science it makes a difference to the consumer how they die.

Dr. D. D. Slade, Professor of Zoölogy of Harvard University, in a recent lecture before the Massachusetts State Board of Agriculture, says, "the animal to be slaughtered should be conducted to the spot selected, quietly, without the use of goad or club, and everything calculated to alarm should be removed. All slaughtering premises should be kept cleansed from blood, and no carcasses be allowed to hang in view. No animal should be permitted to witness the death of another. Trifling as these measures may appear to the professional butcher, they are of vast importance, not only in view of avoiding cruelty, but as affecting the wholesomeness of meat; there being no question as to the effects of torture, cruelty, and fear upon the secretions, and if upon the secretions, necessarily upon the flesh."

Now please accompany me for a moment, not to one of the more brutal slaughter-houses where the cattle are driven in by men armed with spike poles, where our officers have seen them struck seven blows with the axe before they were knocked down, and where the eyes of cattle are sometimes pricked out that they may be driven in more easily. I will not ask you to go there; but go with me to one of the very best, and kindest, and least offensive, that you may see how these dumb creatures, under the most favorable circumstances, are prepared for your tables. I will simply read you the report of a respectable and reliable gentleman well known to me, and which has been widely published.

"On the 12th of July, 1872," he says, "I went to the slaughter-house of Mr. C. A. Thomas, at Peabody, — it being one of the best in New England, — to witness the mode and conditions of slaughtering.

"The animals were all forcibly drawn by a rope into the room, the floor of which was reeking and slippery with blood and offal, and in full sight of the heads, hearts, livers, and still quivering carcasses of those which had preceded them, which were hanging on the walls, and lying upon the floor around them. The cattle, of course, were wild with fear, and in a condition bordering on frenzy, were knocked down and dressed; and in this state of excitement and heat, growing out of their fears and struggles, were converted into beef.

"The establishment of Mr. Thomas may be regarded as a model one compared with any others in this region. I saw six oxen killed and dressed there, five of which were so badly bruised that to make them

look "all right" the butchers pared off great clots of swollen tissue, infused with blood and serum, weighing from a half to several pounds each, and threw them among the offal. Old sores were so neatly cut out, that the unskilled eye would never suspect they had existed. Some of these sore bruises were more than a foot in diameter.

"Cattle at all the slaughter-houses I have visited — at Peabody, Portland, Brighton, New York, and other places — show the same bruised and battered condition."

In confirmation of this permit me to say, that a Fall River butcher told a friend of mine that he was sometimes compelled to cut out of his beef from fifty to seventy-five pounds, diseased by sores caused by transportation; and a Lynn butcher, speaking of animals that die on the cars, said: "We cannot afford to lose them, so we dress them all, and what is not too far gone we put into the stalls."

These are the meats, which without any inspection whatever, are poured into our markets to supply us with food.

### MILCH COWS.

Another subject, and next in importance to the public health, is the proper treatment of the animals that supply us with milk. It is well known to physicians and others who have investigated this subject, that not only the quantity, but also the quality of milk, depends on the manner in which cows are treated. If starved, frozen, or kept without sunshine, exercise, or companions, or worried by dogs, or frightened by boys, or improperly fed, or permitted to drink impure water, or water poisoned with lead, or kept in the foul air of unclean or improperly ventilated stables, or otherwise cruelly treated, their milk and its products are liable to produce sickness, and may produce death; in other words, that the milk of an improperly fed, or otherwise cruelly treated animal, may be as dangerous to the consumer as the milk of an improperly fed, or cruelly treated nurse.

Medical books abound with cases showing this danger, — "a child dying in a few minutes after being nursed by its mother while in a state of great excitement," — "a young dog thrown into epileptic convulsions from a similar cause," — "pigs killed by being fed on the milk of diseased cows." These are some of the cases cited in the medical books and elsewhere. Dr. Brown-Séquard, in a recent lecture, says: "Mothers who give way to anger, or other emotions, often injure the infant's health for life, if it be not killed outright."

See also on this subject the 1873 Report of the Mass. State Board of Health; under the heads of "Infant Mortality," and the "Adulteration of Milk;" see also Carpenter's "Physiology," Cooper on "Diseases of the Breast," and other medical works on the subject.

Now thousands of cows giving milk which is used in our cities and towns, are uniformly, or at times, kept in improper localities, improperly fed, or otherwise cruelly treated; resulting in adult sickness and infant mortality. To those who have read the official evidence on this subject, there can be no doubt that if the causes of sudden and early deaths were truly written in our cemeteries, they would read in many instances, "Died because somebody violated God's merciful laws, established for the protection of his lower creatures."

### CALVES.

"Our calves," say the Boston Committee, in their Report before referred to, "are brought mostly from Western Massachusetts, Maine, Vermont, and Canada; they are kept two or three days without nourishment after being taken from the cow, while the car load is being made up; they are then shipped, from 90 to 100 of them in each car, and if one falls, it is pretty sure to be trampled to death; they are slaughtered from one to three days after their arrival; they are too young to eat hay, and nothing else is given them to eat during four to six days that they are kept after being taken from the cow, and during this time they are bled, to make their flesh look whiter." Sometimes, I may add, they are bled several times before they are killed, to make the flesh look whiter; a practice, which as our best physicians say, makes the meat indigestible and unwholesome. Very different these practices from what I found in Paris, where calves were carried to market in good condition, were fed regularly with a preparation of eggs, meal, and warm water, up to the time of killing, and where a butcher would have no more thought of bleeding a calf before killing it, than of bleeding an ox, cow, lamb, or any other creature.

### SHEEP AND FOWLS.

Another matter of common occurrence here is the shearing of sheep in cold weather, before they are sent to market, which compels them to shiver and freeze sometimes several days before they are killed. 'There are more or less dead sheep on every train," say the Boston Committee, "and those that are sheared get badly bruised." Also plucking fowls alive; also packing live poultry so closely in crates that many of them die of suffocation; all of which things are not only cruel to the animals, but also injure the meat, and to a greater or less extent endanger the public health.

### CRUELTY ALWAYS INJURES THE MEAT.

So universal is the law that cruelty to the animal injures the meat, that an eminent English physician, Dr. Carpenter, in a recent letter to

the "London Times," assures us that the meats of animals which have been made fat by overfeeding, will sometimes produce gastric diseases in those who eat them. In England it has been found that the flesh of hares chased and worried by dogs, becomes diseased, and soon putrifies. Old hunters tell us they do not like to eat the meat of deer which have been run and worried by dogs, and that they sometimes, when hunting, shoot dogs to prevent their worrying the deer, and so spoiling the meat. The same doctrine applies to game caught and tortured in steel traps. In an essay which took the prize at the New England Agricultural Fair of 1872, I find that the flesh of animals killed when in a state of great excitement, soon putrifies; and that the flesh of animals killed instantly without pain, is found to contain elements indispensable to the easy and complete digestion of the meat (amongst which is one named "Glycogene"), and which elements are almost, or entirely wanting in animals that have suffered before dying.

### EFFECTS OF CRUELTY TO FISH.

Fishermen, in some parts of Europe, and, I may add, some parts of this country, kill fish with a knife or bludgeon as soon as they are taken from the water, because fish thus killed are found to be better than those which have long gasped and struggled before dying. Professor Slade, in his lecture before the Massachusetts State Board of Agriculture, before referred to, says on this subject, "Various modes of killing fish are practiced. The Dutch, for example, destroy life by making a slight longitudinal incision under the tail with a sharp instrument." "On the Rhine, they kill salmon by thrusting a steel needle into their heads." "Fish may be easily killed by striking them a quick, sharp blow, with a small stick on the back of the head, just behind the eyes, or by taking them by the tail and striking the head quickly against any hard substance."

And the professor continues: "It has been observed that fish which are instantly killed on being taken from the water, are vastly superior in taste and solidity to those which are allowed to die, as is the universal custom with us. And why," he continues, "should this not be the case? Why should we make a distinction between animals that swim, and those that fly or run? No one of us would think of eating beast or bird that died a natural death."

### OUR SALT WATER FISH.

Perhaps, in the light of these authorities, it is well to inquire how the fish brought to our markets are obtained, and how they die.

At the present time nearly all our salt water fish are caught on what are called "trawls," or long ropes, with ten hundred to twelve hundred hooks and lines attached, sunk by stones or heavy weights at either end

to the bottom; the fish are caught, of course, near the bottom, and struggle there a considerable time until they die, and then lie dead in the water. Usually the trawls are taken up the same day they are put down, but frequently not until the next day; and sometimes, in bad weather, not for several days. In the mean time they lie dead in the water. I am told by Swampscott fishermen that they sometimes pick over a hundred, and sometimes even a thousand of these fish before they find one they are willing to take home to their families. The rest are sold in our markets, and I may add that hundreds of thousands of young fish of no value are caught and killed on these trawls, having no time to grow; and because of this, fish are becoming so scarce on our coast that a fisherman cannot now take, on the average, on a trawl, with a thousand or twelve hundred hooks, so many pounds of dead fish, as he used to catch of live ones with a single hook and line.

Other cruelties are inflicted on fish caught alive, in trying to keep them alive. Also on lobsters, in the boiling of which, sometimes while the lower lobsters in the kettle are boiled, the top ones are trying to escape.

For the public health, if for no other reason, these things should be investigated and stopped.

### CATTLE IN WINTER.

A vast deal of cruelty is inflicted upon many domestic animals before they reach the cattle markets, particularly during our long winters, through the want of food and shelter.

One of the first cases which enlisted my sympathies in this subject, was, when passing many years ago, in early spring, the house of a wealthy, but miserly woman in a town near Boston, I saw driven from her yard a cow that was simply a skeleton; nothing but skin and bones; she was hardly able to stagger through the street. On inquiry, I found it was the custom of this wealthy woman to keep that poor animal during the entire winter just at the point of starvation, to save the cost of hay.

### MERCIFUL KILLING OF DOMESTIC ANIMALS.

There is great need of information in regard to the most merciful methods of killing our domestic animals.

In a case recently reported to me, a nominally Christian, and for aught I know, kind hearted man, led his old horse through the snow into the woods, and beat him on the head with a club, and left him for dead. Three days after, the old horse came crawling back into his master's door-yard.

At the request of the Massachusetts Society for the Prevention of

Cruelty to Animals, the professor of zoölogy of Harvard University has recently prepared a small pamphlet, illustrated by cuts, showing how to kill each domestic animal in the most merciful manner.

### KILLING OF ANIMALS BY BOYS.

Our smaller domestic pet animals, such as dogs, cats, and the like, are, in probably a great majority of cases, killed cruelly, when it would be easy to have some one in every town, as we now have in Boston, to kill them mercifully, with a little chloroform, or otherwise. And this killing, not unfrequently, is intrusted to boys.

If there were more time, I could give you many instances within my knowledge, which are but samples of thousands of cases constantly occurring, illustrating the cruelty thus inflicted upon the animals, and its pernicious influence on the boys.

Dr. Ellicott, Lord Bishop of Gloucester and Bristol, one of the best thinkers in England, says, "Wantonness in the child, if unchecked, is sure to deepen into cruelty, or indifference to it in the man."

I could give you pages of similar opinions.

### REMEDIES.

For all these wrongs which I have enumerated, what is the remedy? First, better transportation. The Jewish Rabbi goes to our markets and selects what seems a healthy animal. He stands at the slaughter-house while it is slaughtered and dressed. During the process, he carefully examines its internal organs, and if he finds the slightest trace of disease, passes it over to the Christian.

When public opinion shall demand the same inspection of animals, both before and after they are killed, now practiced in Continental European cities, and by the Jews, so far as I am informed, everywhere, and the Christian inspector shall stand at our cattle markets, side by side with the Jewish Rabbi, to condemn, and cause to be destroyed the meat of every diseased animal, then animals will be brought to our markets without cruelty, and the Christian will eat as good meat as the Jew.

Cattle cars have already been invented and tried with entire success, in which cattle can be carried thousands of miles with food, water, and rest, and arrive in good condition.

When these cars come into general use, railroads will make more money, because one third to one half more cars will be required to transport the same number of cattle; dealers will make more money, because (saying nothing of animals that die on the passage) an enormous waste of the best parts of the meat will be saved, and this saving will not only pay the increased charges of transportation, but also leave an immense

margin of gain; and consumers getting wholesome meats at one half to three fourths the prices they now pay for diseased meats, will buy larger quantities, and so increase the trade. I will also further state what I should be glad to prove, if there were more time:

1st. That it is perfectly practicable to supply all animals in transportation with food and water. 2d. That the keeping of calves several days without nourishment is entirely inexcusable, for they will readily drink flour mixed with water; and 3d. That all animals can be transported on cars properly constructed, with the same speed as men, and the saving in their value will more than pay for their rapid transportation.

### BRIGHTON ABATTOIR.

How prevent the starving of animals before they are slaughtered, and secure merciful methods of slaughtering them?

We have now at Brighton, Mass., one of the best abattoirs in the world, where every animal can be killed in the most merciful manner; though for want of proper inspection (for which the legislature has been petitioned) animals are killed there with much cruelty.

This abattoir is so constructed that each of the larger animals, after being slaughtered and dressed, may be carried immediately by machinery to another room; all the refuse matter passed through the floor into small metallic wagons, in which it is carried to the rendering house, and every trace of blood washed off before the next animal is brought in — and calves, sheep, and swine can be killed there without cruelty, by having each brought singly to the slaughter room, by some one having no blood on his clothing, and stunning it with a single blow of a mallet or hammer, just before, or at the moment it is brought in.

In several of the smaller slaughter-houses of Massachusetts, they now have, for killing cattle, just outside the slaughter house, box-pens, like a horse's stall, with a door at each end; the animal is driven in and instantly stunned and killed by a single bullet in the head, from a rifle, thrust through an open slide in the front door; the animal is at once hauled into the slaughter room, leaving no blood in the pen to terrify the succeeding animal, and injure its meat.

By this process it has been found that much time is saved, which, under the systems now generally practiced, is lost in hauling or driving animals into bloody slaughter-houses.

All that is needed is a public opinion which shall require these forms of slaughtering to be generally practiced; and that faithful inspectors shall be stationed at the larger slaughter-houses to see that they are properly carried out, and all animals properly fed and watered up to the time of killing; then the sixty millions, or more, of dumb creatures that are now killed annually in this country for food, will die without pain to themselves, or danger to the consumer.

### HUMANE EDUCATION.

How improve the treatment of animals that supply us with milk? and how protect birds and their nests? and how check every form of cruelty inflicted on dumb creatures?

1. By circulating information.

2. By humane education, through facts in natural history, pictures, stories, songs, sentences on the blackboard and in copy books, prizes for compositions, instruction by teachers, talks to and with the children in our schools, Sunday-schools, and in every home.

Realizing the importance of this, the French Minister of Public Instruction ordered the publications of the French Society for the prevention of cruelty to animals to be circulated in the French schools, and called the attention of all the teachers of France to the importance of educating the children humanely.

The Ladies' Humane Education Committee of the Royal Society of England, sent at one time a humane publication to about twenty-five thousand school-masters in Great Britain, with an address, asking their aid in the schools.

The Royal Society of England, and several societies in the United States, have adopted the plan of giving prizes to pupils in the schools who write the best compositions on the subject.

The French society, instead of prizes, gives medals of gold, silver, and bronze to those who have shown the greatest kindness to animals. The Archbishop of Bordeaux, Monseigneur Dounèt, in a recent address, states that in a number of the dioceses of France, it is the custom of the pastors of the churches, when preparing children for their first communion, to require from them a promise never to ill-treat any dumb creature.

In many of the schools at Portsmouth, N. H., they have adopted the practice of having humane stories or other humane selections read daily to the pupils in each school.

The Hon. J. C. Dore, former President of the Board of Education, also of the Board of Trade, of Chicago, and who has perhaps done as much for dumb animals as any man in the West, assured me that he attributed all his interest in the subject to verses which his teacher handed him when a child.

### EASY TO INTEREST CHILDREN.

It is very easy to enlist the sympathies of children in the animal world. Take, for instance, the history and habits of birds: show how wonderfully they are created; how kind to their young; how useful to agriculture; what power they have in flight. The swallow that flies sixty

miles an hour, or the frigate bird which, in the words of Audubon, "flies with the velocity of a meteor," and according to Michelet can float at an elevation of ten thousand feet, and cross the tropical Atlantic ocean in a single night; or those birds of beauty and of song, the oriole, the linnet, the lark, and sweetest of all, the nightingale, whose voice caused one of old to exclaim, "Lord, what music hast thou provided for saints in heaven, when thou hast afforded such music for men on earth."

Or, take that wonderful beast of the desert, the camel, which, nourished by its own humps of fat, and carrying its own reservoirs of water, pursues its toilsome way across pathless deserts for the comfort and convenience of man.

Is it not easy to carry up the minds and hearts of children by thoughts like these from the creature to the infinitely wise, good, and powerful Creator?

I believe there is a great defect in our systems of education. I believe that in our public schools it is quite as possible to develop the heart as the intellect, and that when this is required and done, we shall not only have higher protection for dumb creatures, and so increased length of human life, but also human life better developed and better worth living. I believe that the future student of American history will wonder, that in the public schools of a free government, whose very existence depended upon public integrity and morals, so much attention should have been paid to the cultivation of the intellect, and so little to the cultivation of the heart. Only a few weeks since, the educated submaster of a high school in one of our cities, was fined forty dollars and costs, for throwing a dog which had followed some of his pupils to school, from the third story window of his school-house to the pavement, where it lay mangled and bleeding until a humane gentleman passing, put it out of pain.

Let us study the experiences of the Quakers, Moravians, and teachers of the Kindergarten. "Ever after I introduced the teaching of kindness to animals into my school," says M. De Sailly, an eminent French school-master, "I found the children not only more kind to animals, but also more kind to each other." "I am sure children cannot be taught humanity to animals, without at the same time being taught a higher humanity," says the superintendent of the Boston public schools. "The great need of our country," said Hiram Powers to me at Florence, "is more education of the heart."

### CONCLUSION.

In conclusion, then, the remedy for all the wrongs which I have endeavored to portray, consists, first, in the enactment and faithful enforce-

ment of laws; second, in faithful inspection at cattle markets and slaughter-houses; and third, in general humane education, particularly of the young.

How are these things to be obtained? I know of no other practicable method, in this country, except through the agency of organized societies for the prevention of cruelty to animals, which shall strive to circulate information, and promote humane education; and when other means fail, shall have power to enforce the laws.

In the better time coming, I am sure many of these wrongs must cease, and that doctrine which Christ taught in his Sermon on the Mount, "Blessed are the merciful, for they shall obtain mercy," will come to be more earnestly preached in our churches, and more generally taught in our schools.

In the mean time it is my duty to work; and in pursuance of that duty, I have come before this meeting of American scholars held in the interests of social science, to speak for those who cannot speak for themselves, and in their behalf to ask you to encourage and aid this work.

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## THE PROTECTION OF ANIMALS IN GREAT BRITAIN.

We find in the "London Examiner" of June 27, over the initials "F. P. C.," a brief account of an International Congress in London last month, for considering the protection of animals. The article says, —

It is now just half a century since the Royal Society for the Prevention of Cruelty to Animals was founded, amid the jeers and laughter of half England. Even Sydney Smith, the witty and the wise, devoted an article in the then omnipotent "Edinburgh Review," to crush the infant efforts of humanitarianism, under a heap of jests more ponderous than usually fell from his hand; while the streets of London echoed with the choral complaint that

> "Things is come to a pretty pass,
> Since a man mayn't wallop his own jackass."

*Tempora mutantur*, and now the Society enjoys an income of seventeen thousand a year, reckons its legal victories by hundreds a month, and welcomes to council, from Egypt, India, Australia, America, and nearly every country in Europe, delegates of kindred societies, of which it has been the parent and model. The poet Moore, like other people, laughed at the originator of the first Act ever passed by a Christian legislature against cruelty to animals, and ironically prayed to be placed

> "Where Dick Martin rules
> The houseless wilds of Connemara."

But this uncouth Irish squire, the amiable Lady Mackintosh, and the few

other friends who at that early period bore the brunt of the Homeric laughter, might, were they now alive, point to their work, and ask what other social movement of their generation has done as much as theirs to make the world a better and a happier place.

The recent Congress has been, of course, as such things seem destined by nature to be, a little pompous and tedious. Aristocratic and episcopal patrons in the chair cast some degree of dignity, but not, perhaps, much liveliness, over the proceedings; while the necessity for translating every paper and speech successively into three languages, rendered the discussions exceedingly tedious, notwithstanding the marvelous ability wherewith which the German renderings were effected by Baron Ravenstein, who generally contrived to make each oration sound at least half as well again as in the mouth of the original speaker. The Jubilee at the Albert Hall, where the Duchess of Edinburgh distributed the prizes allotted by the Society, was, of course, everything which could be desired in the way of dignity, as was the garden party at Highgate, where Lady Coutts received the delegates, and seemingly, also, a good many persons who were not delegates.

On the whole, we think the Congress is sure to have done something towards encouraging workers in the cause of mercy all over the world, besides usefully ventilating many important questions connected with the transport and the slaughtering of cattle and fowls. Many readers of the proceedings will indeed have been relieved from a nightmare by the assertion of the French Vice-President, that the veterinary cruelties which have made Alfort infamous have been recently stopped, owing to the simple cause that the price of horse-flesh has so far risen as an article of consumption that the carcass of a worn-out or disabled horse is now worth about 150fr., and therefore is too expensive a practicing block for the knives and saws of the students. Perhaps this assertion (as we have reason to fear) ought to be taken with a certain degree of reservation. The practices so often exposed were certainly still carried on in the French provinces not many months ago, under the usual authorizations from the Minister of Agriculture; but we may be thankful that, if not altogether abolished, they have become very much more rare, and must eventually come to an end.

The principal interest of the Congress centred in the long and animated debate on Vivisection, which occupied several hours on Tuesday, from noon till the close of the proceedings. Dr. Arthur de Noë Walker read a very earnest, but studiously moderate paper, recommending the legal limitation of scientific experiments, and exposing their many abuses as now carried on without check; especially the repetitions of the same tortures by scores of inquirers, each desirous of satisfying his own curiosity or exhibiting experiments for the illustration of lectures to students. A letter from Lady Coutts entreating the Congress to take action on the matter was also read, and reference made to the Queen's message of the previous day on the occasion of the Jubilee, after which Mr. Hutton, speaking with much eloquence, proposed a resolution to the effect that painful experiments on animals, if not already illegal (on which point there are two opinions), ought to be prohibited except under license and precautions for publicity.

Of course, at this point of the discussion, the audience were destined to hear from the medical side the usual appeal to human selfishness which rarely fails of effect. One speaker had already vaunted the beneficent discoveries of Dr. Ferrier, and Mr. Hutton had read an extract from that gentleman's own account of his method of operation upon various dogs and cats, thoroughly conscious of their tortures, which drew groans and cries of "shame" from the audience. Another advocate of Vivisection represented the physiologist as a sort of scientific Prometheus, so oppressed with sympathy for the diseases of humanity that he was ready to sacrifice — not precisely himself — but all his feelings of compunction for animal suffering, to make experiments, and he urgently deprecated any attempt to place a legislative limit on such experiments, alleging that it would only drive men of science, who now conducted them aboveboard and in open day, to carry them on in secret. The last observation was somewhat ill-advised, for Mr. Colam, the Secretary of the Royal Society for the Prevention of Cruelty to Animals, rose immediately, and informed the audience that so far from the present experiments being aboveboard, he had been long vainly seeking to obtain legal evidence concerning any one of those which were continually detailed in scientific manuals, and that the authorities of a certain Institute, intended for the relief of animal suffering, refused peremptorily to admit into its precincts, on any pretext, any officer of his Society. He challenged Vivisectors to make their experiments in public, and so to allow their legality to be fairly tried. This cartel, it is needless to say, was not taken up by the friends of Vivisection; but the delegates and audience generally accepted Mr. Colam's manly statement of the case with cordial sympathy, and, after some pertinent observations from Mr. George Fleming, Mr. Hutton's resolution was seconded by Dr. Mouatt, and passed without a dissentient voice.

It is not often that in a debate of this kind we come so nearly to the true ground of difference as was reached in this argument. The question of Vivisection is practically a question of publicity. There is at least *primâ facie* presumption that the law against cruelty to animals (a law, by the way, from which the word "wanton" was intentionally omitted at its last revision) is distinctly broken by such experiments as those which many physiologists describe themselves to have performed. Read in their plain and natural sense, these experiments are not merely cruel, but hideous instances of cruelty. But, on the other hand, Vivisectors tender to us continual assurances that they are most careful to inflict no unnecessary pain, and that they use anæsthetics so universally and continuously that the animals, even when subjected to frightful mutilation, practically suffer nothing at all. Let this question, then, be set at rest. Let competently qualified Inspectors be appointed to visit all physiological laboratories. The public will then know *à quoi s'en tenir* regarding the asseverations of physiologists respecting the painlessness of their operations. Possibly they may find it is a mere bugbear which has been tormenting the minds of so many humane persons, and that really there is far less cruelty in a physiologist's laboratory than in any ordinary slaughter-house. In such case, men of science and the public will equally have reason to rejoice at the clearing away of an unjust and painful prejudice. On the

other hand, it is unhappily possible also that it may prove that the pertinacious reference of physiologists to anæsthetics has been mere dust cast in the eyes of the public; that, after the first incision, the effects of the anæsthetic cease, and that the animals endure prolonged agonies altogether unmitigated by such applications; and, finally, that custom has so hardened the hearts and dimmed the moral sense of the "Dilettanti of Discovery" that they betray absolute indifference while at their work as to whether the sufferings of their victims be great or small. In the latter case it will very obviously be the duty of the legislature, in the interests both of human nature and of the brutes, to bring to bear the force of law as well as of public feeling to restrict the practice of painful experiments upon animals within the narrowest of all possible bounds.

# AMERICAN FINANCE.

A Report from the Finance Department, by Professor W. G. Sumner. Read Thursday Evening, May 21, 1874.

At no time during the existence of this Association have the questions which it is the peculiar province of the Financial Department to investigate occupied so large a share of the public attention, or possessed such great practical importance, as they do to-day. Their importance is attested by the fact that the industry of the country has been more or less arrested for eight months, waiting for their solution. The public interest in them is shown by the multitude of pamphlets, books, and articles treating them in one way or another. This activity of interest in the investigation of financial questions is in itself a cause of great rejoicing to the Association. We have been obliged to pursue these subjects without the incentive of public interest, and we have lacked the encouragement of general attention. Our occupations were pursued by a few, in obscurity and neglect. Our results were received with indifference or ridicule. The blow having fallen, however, and being recognized as only the first blow of a series, it is now perceived that whatever may be the pet doctrines of one or another, the questions at issue imperatively demand a clear, definite, and final solution.

The public discussion, indeed, does not as yet promise much in the way of such a solution. Views, opinions, doctrines, and schemes of the utmost diversity and of the most contradictory nature, are before the public. There is as yet no discussion in the proper sense of the word. There are no common grounds in fundamental doctrine. The premises themselves are disputed more tenaciously than the inferences. There is no agreement as to the methods of investigation, the nature or the weight of the pertinent arguments, the sources to which we must look for light. It follows of necessity that the results are diverse to the last degree. Instead of an orderly discussion we have, therefore, something more like the outcry of a mob, each shouting for himself and no one listening to another. In one point of view this is discouraging enough; but we cannot forget that out of this turmoil the popular education must come. It has been sometimes said that Democracy was on trial during the war; but Democracy is going through a trial now far more severe and searching than any that comes

under the enthusiasm and passion of war. To educate millions of voters to sufficient knowledge of a technical and scientific subject, involving self-denial, firmness, and perseverance, in the presence of dull and passionless peace, and for a good which is not immediate but remote, involves the severest test to which popular institutions have ever been put, one which hitherto they have never endured. By this time, however, it must be evident that this is what we have got to do. The wish, real or supposed, of a numerical majority of the population, governs legislation, and governs the outcome of this matter. A legislature strong in the comprehension of sound principles, bold in the assertion of them, ready to stake individual interests for the public good, might no doubt lead and remould public opinion; but we all know that we have not got this, and that we cannot get it until we work lower down on the creative power which makes legislatures. In this point of view the popular agitation and discussion, unmethodical as it is, and little adapted to satisfy a scientific thinker, is a great good, for it is carrying on a work of education to which we must look in the last resort for the desired result.

In criticising the discussion of this subject as thus far carried on, it is possible to make one summary and conclusive distinction. The opinions and doctrines advocated fall into two classes according to the stand-point of the disputants. There are some who regard the questions as liable to numerous answers, and the problems as solvable in a number of arbitrary ways, and there are others who regard the questions as scientific in their character, and who, therefore, can look upon only one solution of the problem as correct, viz., that one which is in accordance with natural laws.

The distinction here marked is familiar to us in every department of human interest. So long as we look to an empirical solution of the problems which perplex us, so long do they admit of diverse and contradictory solutions, and so long do men wrangle and dispute about them without result. It is only when the sources and criteria of truth are recognized, and when the scientific method of analysis, comparison, induction, and generalization is applied, that we begin to advance with firm step, united purpose, mutual support, and unquestionable progress. The social sciences seem to be the field upon which this fact is to be recognized last of all. The phenomena are here patent to all. Who shall tell the man who has bought and sold all his life, that the facts of his experience bear a correct interpretation totally opposite to that which he has reached? Who shall convince a man of humanitarian sympathies that the measures which he has employed, because at first blush they seemed to him adapted to cure the evil he sees, will really defeat it, or only lead to still worse evils? Who shall stop a passionate

man, at the moment of resorting to violence, to enforce cool measures and long and patient means? The facts are open to all eyes. The means to the end seem patent to everybody. That these social and economic circumstances are subject to universal natural laws which we cannot alter, seems to be a strange doctrine which people are slow to understand. That there is anything here to be wrought out by study and investigation, or by scientific process, is not popularly believed or understood. Those who so assert are easily dismissed as theorists. Those, then, who do not look upon the problem as governed by any natural, universal, and inevitable laws, set to work to invent some plan for convertible bond redemption, or for mixing up bonds, greenbacks, and bank notes in some new way, and believe that they have solved the problem. The greatest financier on this theory is the man who, in the freest contempt for human nature, history, and statistical facts, invents an *à priori* theory, on which he is willing to stake the finances of a great nation, with all the vast physical and moral interests which the finances affect. If these men had to manage a locomotive they would find out the laws of construction of the machine, and would conform to them. They would not expect to make it go by ringing the bell, although the bell is always rung when it starts, and they would not believe that they improved its working qualities by making it more complicated. If they saw some boys at play under a dam which they were weakening by their operations, they would interfere, because they would say that ignorance was bringing down loss of life and ruin of property; but they lay hands on the widest and most delicate interest of forty millions of people without a compunction. On the other hand, those who believe that there are financial laws which are as imperative as the laws of mechanics, must consider it their chief business to find out what these laws are, and when these laws are found they have just the same authority as any other laws which govern our existence in this world. We must obey them, and we can only hope for physical prosperity by obeying them, just as we attain health only by obeying the laws of health. In this view of the matter, history, — which is nothing but a record of the operations of human nature, and of the experience of men under the conditions of human life, — together with statistical information, constitute our chief means of solving financial problems. The field of our skill lies in interpreting and generalizing laws from the facts before us, and not in inventing schemes which take no account of facts.

We cannot doubt, then, that this is the real issue upon which it is most important that a correct conviction should now be reached, whether our case is to be cured by empirical means, by trying one experiment or another, or whether we must simply find out the laws which we

ought to obey and obey them. As for a compromise, there is no more possibility of a compromise here than on any other scientific question. We might as well try to compromise between evolution and special creation.

In looking at the actual condition of the country, it will not be expected that this report shall enter largely into facts. In its general features it is known to all, and its character is such as to give the gravest anxiety to those whose aim it is to develop the methods and conditions of national prosperity. In view of the phenomena of similar periods at home and abroad the causes may be easily determined. They lie in those errors against which this Association has been compelled to protest from year to year, and which many of us are bound to combat on all proper occasions. History furnishes us hundreds of illustrations of every evil to which a disordered currency gives rise. The decline of national and mercantile credit, the deterioration of public morals, the contempt for patient industry as compared with smartness, the increase of the class of "middle men," the love of meretricious display, are old and familiar features in every period of fictitious and inflated currency. The money people use educates them as much as all the pulpits, schools, and newspapers. Its influence is the more deep, because it is more insidious and unobserved. These are its moral and social effects, which to this Association must always be of the highest importance; but its financial effects are no less disastrous. It belongs to the operation of the system that there should be sudden, inexplicable crises, erratic developments, heats and chills in the financial history of the country. We can expect nothing but a series of them so long as the system lasts. Primarily it must press most severely on the innocent and helpless, but it promises no security to those who for a time profit by it most. A community in which one half preys upon the other, cannot prosper.

This brings me also to speak of one of the wider social aspects of this subject which demands especially the attention of our Association, and that is, its bearing upon the socialistic doctrines which have, during the last ten years, acquired more and more definite expression amongst us, and which I think every careful observer must believe to be gaining strength. Especially in a period of industrial stagnation, and at a time when the expansion of credit has drawn a great majority of the population into the debtor relation, such doctrines gain power. It is true that socialistic doctrines do not take on the same form here as in the nations of the European continent. Red republicanism cannot flourish in a republic. A distribution of property will not find supporters in a country where property is widely distributed. But it belongs to our science to recognize principles under

their various manifestations, which vary with time and place. A distribution of property is not a practicable thing. It has often been urged that if an equal distribution were made the equality would not remain for an hour; but it is impossible to conceive of any practical means by which an equal division could be accomplished.

There are only two means by which the distribution of property can be regulated otherwise than by the laws of value and exchange, and those are gift and robbery. Leaving gift aside as narrow in its range, personal in its operation, and unimportant in the scientific point of view, robbery is a form of transfer which it is the province of regulated society to reduce to a minimum. There remains only one form of it yet in legal operation in some civilized states, and that is legal-tender paper money. This is an engine by which the aims of socialism may be accomplished under the forms of law and to a more complete degree than by any other means yet devised. There seems great reason to fear that its power in this direction is becoming better appreciated, and that it may be advocated distinctly on account of its effect in this direction. The opposition of those who resist it on this account is often summarily disposed of as selfishness, the hard-heartedness of creditors, the "money power," the oppression of capital, etc., but it is a very much simpler thing than any of them. It is nothing but the vulgar disinclination of the man who has earned something to having it taken away from him. The student of political economy and social science takes a wider view of the matter and insists that such a policy must bring ruin on the community. If this policy prevails here it will arrest the industrial development of the country for a quarter of a century, as it is certain that the same policy adopted on this continent in the last century places us now far behind where we ought to be. If the people of this country divide upon this issue by classes, those who have against those who have not, it will precipitate a social war, and if they divide upon it by geographical divisions, it will bring results to the political system of the country which will be disastrous.

It is not necessary to assume that any such future lies before us. It is simply suggested here because it is only in view of the interests at stake that we can appreciate the task which weighs upon those in whose professional duty it lies to educate public opinion on these matters. There is a fund of good sense and right intention on which we can rely and to which we must appeal. If we once despair of this the future is hopeless enough.

It belongs also to this report to call the attention of the Association to the economic laws which underlie a great variety of other practical questions, and questions of detail which now occupy public attention, such as the custom-house moiety system, cheap transportation, and

revenue contracts. These are only symptoms of a diseased financial and industrial system; it is not to be expected that they will be recognized as such at once by popular opinion, and we must expect that time and labor and agitation will be spent in trying to cure the symptoms instead of searching out the causes of the disease and applying remedies to these.

All bad social regulations act and react upon each other and multiply each other's evil effects. The revenue system and the currency are thus intertwined. The system under which we have been living for twelve years, and which we have tested by applying it with logical and unflinching thoroughness, has developed its inevitable results. We have an artificial and unhealthy condition of all the great interests of the country, both in their special economy and in their relations to each other. We look in vain for that one, or that group, which has gained by the system. Each, when charged with gaining the benefits, is able to make out a case for itself by proving its distress. No doubt they all tell the truth. No one has gained. The system has issued in pure waste. It is much to be regretted that we have not the information which would have been obtained in regard to the actual circumstances of all this if the former careful and scientific investigations of the Commissioner of Internal Revenue had been kept up. It would seem, however, that even the most inveterate bigotry and prejudice must at last give way to experience and the clear teaching of facts. The notion that taxation is an engine of production, or that government can give what it does not take, has indeed the sanction of tradition — a sacred tradition, I may say, since few examine it, and any one who attacks it is met with denunciation and suspicion; but there is room to hope that the agitation produced at last amongst the chief victims may issue in a downfall of this tradition.

The argument that we have immense resources and facilities for every form of production, surpassing those of every other nation, and 3,000 miles' transportation in favor of home products, and, therefore, that we ought to pay more for everything — that is, it ought to cost us more labor to get everything — will ruin itself at last. The notion that it is the business of government to make artisans earn high wages — if it were true that the Government does this, which it does not — will be abandoned when the results of the socialism it nourishes come to be experienced. In the circumstances of this country, the agricultural interest is the one upon which any economic error must finally fall with a pressure increased by transmission through the other social divisions. It is not to be denied that the agricultural interest of the country is at the present time crushed by such a burden of the consequences of economic error. The bonus given to the creation of unnat-

ural and artificial forms of industry is taken from the natural and legitimate sources of our national wealth. It cannot be obtained anywhere else. It cannot be denied that cost of transportation is the chief form in which the effects of the protective system come home to the agriculturist. The West has been settled by men without capital, who have bought land on long credits, looking to the gains of coming years of industry to become owners instead of occupiers. A system of wasteful taxation comes in to rob them of the gains which their industry has fairly earned, to frustrate their hopes, and to snatch from their hands the object for which they have struggled. Their discontent has sufficient foundation, but its cure is to be sought in returning to correct the economic errors which are the cause. It cannot be cured by rushing on to still more reckless financiering, or by starting the General Government on a new career of taxation and debt for the purpose of building railroads and canals.

In the country at large, this system has educated people into some peculiar doctrines of political economy which do not lie in the protective system but flow legitimately from it. The most generally received notion in political economy now seems to be that the key to successful production consists in knowing how to limit it. The market is controlled by combinations of all the great interests, one of whose chief objects is to control and limit the production of the article this interest supplies. The old notion that it was the business of government to "make work" has been scourged to death; but we have now a new one, according to which it is not the object of men in production to make all they can and trouble themselves no further, but they live in fear and anxiety lest they create too much wealth. It is not strange that labor also has now taken up this notion and applied it to its own case. Instead of believing that a man ought to spend his time industriously, and that the more he works the more he will have, the labor market is distracted by efforts to lessen the hours of labor; that is, once more, to lessen production and earn without working. If any man can get all the good things he wants by working only eight hours a day, let him so limit his labor and be happy, — he ought to be, for he certainly is an exceptionally fortunate man.

Another fashion of looking at things, if I may so call it, seems to be born of the interference system. People speak of the existence of materials, or of the means of producing certain things in certain places, and infer at once that it must be profitable to produce that thing there. This applies at present especially to the South. There is the cotton and there is the water power. Why, it is asked, carry the cotton to the North, to the banks of the Merrimac, and then carry the product back again? and it is inferred that manufactures ought to be introduced into

the South. Likewise homilies are addressed to the South urging the production of food, in order to be independent of the West, and the exclusive production of rice, cotton, and tobacco is discouraged. But these doctrines do not touch at all upon the law which governs the choice of the form of production to be undertaken in any locality. The form of production pursued at any given place will be that one which at that place gives the best return to labor and capital, and if all the labor and capital in South Carolina can be applied to cotton without, by competition, reducing the profits below what the profits of the next most advantageous production there would be, then nothing but cotton will be produced there, and nothing else ought to be. Homilies to the contrary might as well be addressed to the wind. This law has led Bombay, for instance, to go into the culture of cotton so exclusively as to bring about two famines in six years, the communication with the rice districts being imperfect and uncertain. I have seen this quoted to prove their folly, and to show that they ought to have raised some food; but who should be the man to desist from the more profitable industry and raise food for the common good? Each man looks to his neighbor and no one does it. The only true inference is that they ought to have improved their means of communication; that is, they ought to have gone on in the path of industrial and commercial progress, not away from it.

I have thought it proper to call attention to these two false notions, wide-spread as they are, and arising, as I believe, directly and logically from the axioms of the pernicious interference system, because one bears on the labor question and the other on the state of the South, two great factors, as every one must admit, in the present financial and industrial status. Scarcely anything which a man or a body of men is called upon to do requires more balance of mind and intelligence than to perceive mistakes. Our misfortunes come from our mistakes. The war left behind it a heavy load of unsettled questions, difficult problems, and mistaken notions, and I must add, also, some disordered enthusiasms and deeply-rooted prejudices. We have got to deal with these now, with no passion, or pride, or enthusiasm, or common impulse of any kind to help us through. The protective system was taken up again after fifteen years' neglect, under the necessity for revenue, and applied blindly and ignorantly, so that it has crushed agriculture, destroyed shipping, crippled manufactures, restricted production, and lessened the accumulation of capital. It diminished the revenue during the war far below what the same sacrifices on the part of the public ought to have produced. It has grievously hindered our recuperation since, and it has produced political and mercantile scandals which make us blush for our national reputation. The Legal-tender Act was passed in a

moment of bewilderment and folly, and it has delivered us over to the miseries which always flow from an irredeemable currency, as well as to all the fallacies and delusions which such a currency always cultivates. If, then, calamity falls upon us, we cannot look for the causes elsewhere than in these mistakes, and it behooves us to set zealously to work to correct them. The task is a tiresome one for us who would gladly take social science as it stands to-day, taking the world over, and apply its principles to our circumstances and pursue investigations as to what yet remains to be learned; but here we are with this practical task before us, and the most useful work we can do is to demolish these foolish errors.

Note. — The debate preceding and following Prof. Sumner's Report, will be found in the report of the Proceedings at New York, pp. 23–28.

# JOURNAL

OF

# SOCIAL SCIENCE:

CONTAINING THE

## TRANSACTIONS OF THE AMERICAN ASSOCIATION.

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# JOURNAL OF SOCIAL SCIENCE.

The Journal of Social Science has been hitherto an occasional publication, appearing at irregular intervals, but usually once a year. During the years 1872–3, only one number was published; in 1874, two, and perhaps three, will be issued. It is hoped hereafter to publish it semi-annually, and perhaps quarterly, so as to furnish in each year a volume of at least 500 pages to the members of the Association, and to those individuals and libraries that may prefer to receive it by subscription. It will be published at the rate of One Dollar for 200 pages however often it may appear, and subscriptions for the numbers at that rate may be sent either to the publishers, or to the editor (F. B. Sanborn, 5 Pemberton Square, Boston), the Secretary of the Association.

The Journal includes, in the first place, the Transactions of the Association; that is, the proceedings at its meetings, general or special, the papers read at those meetings, and such reports of the discussions as are made; and in the second place, other papers prepared for the Association, or relating to its work. Numbers Six and Seven, for instance, contain all or nearly all the papers read at the New York Meeting in May, 1874; and also, other papers or extracts from papers relating to the topics treated at that meeting. For the convenience of subscribers, certain topics are grouped together in Number Six; as, for example, those relating to Public Charities and Finance; others, relating to Public Health and Education are grouped in Number Seven. The latter also contains a record of facts and events, at home and abroad, which may be supposed to interest students of Social Science. All such, and particularly members of the Association, are invited to contribute statistics, reports, or any data whatever which can properly find a place in the Journal.

Number Six was published in July, 1874; Number Seven will appear in September, and Number Eight, probably, in December. Number Five was published in October, 1873. The table of contents of Number Six is appended. Number Seven will contain the papers on Sanitary subjects read at the New York Meeting; the papers of Presidents Woolsey, Gilman, and White, and other important matter. Number Eight will contain the proceedings of the Annual Meeting in October; the reports, papers, and discussions thereat, and some account of the British Social Science Congress at Glasgow

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# JOURNAL OF SOCIAL SCIENCE.

The previous numbers of this Journal were published, the first in 1869, the second in 1870, the third and fourth in 1871. It does not appear at stated intervals, but whenever the Association publishing it is in possession of desirable material, and also of the means to defray the cost of publication.

The "Journal" is intended to serve the Association, or rather the interests of Social Science, as the simplest means of distributing information. It includes, in the first place, the Transactions of the Association, that is, the papers read at meetings, general or special, and deemed suitable for publication; and in the second place, papers not read before but prepared for the Association and the furtherance of its purposes. Our members are always invited to contribute statistics, reports, or any data whatever which can render the "Journal" more serviceable to the cause which they have espoused. Articles upon questions of general and immediate interest will also be cordially received, but not on condition that they are to be printed without regard to their merits or the resources of the Association. It is, however, the earnest wish of the Publishing Committee to enlist a much larger proportion of their fellow-members in sustaining the "Journal," believing as they do that its usefulness can be greatly increased. The words accompanying its first issue may be here repeated: "As the organ of a scientific body it is committed to no theory, but opens its pages to different and even conflicting views, in tolerance of all opinions thoughtfully formed and liberally expressed. It is intended to be suggestive, to stimulate observation, excite reflection, deepen sympathy, and thus contribute to the welfare of society."

# JOURNAL

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# AMERICAN SOCIAL SCIENCE ASSOCIATION.

The undersigned beg to call your attention to the work of the American Social Science Association. It aims to insure the welfare of society by promoting the careful study and judicious practical treatment of questions relating to education, employment, and government, including reform in the Civil and Diplomatic Service, in the management of public and private institutions, financial affairs, and sanitary interests. The Transactions, as far as published, show what has been attempted, and to some extent what has been accomplished in the prosecution of the objects before the Association. Six hundred members are now enrolled, but there is room for many more, especially for such as will engage in the service which needs them and to which they are cordially invited.

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